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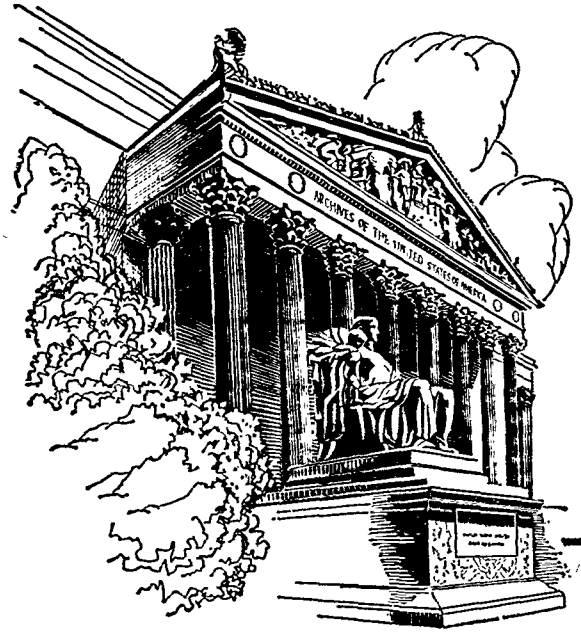

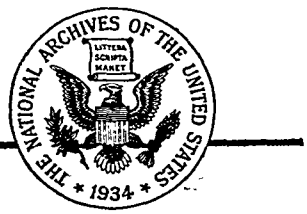

FEDERAL REGISTER

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Title 3—THE PRESIDENT

Executive Order 11264

THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

By virtue of the authority vested in me by Reorganization Plan No. 4 of 1965 (30 F.R. 9353), and as President of the United States, it is ordered as follows:

PART I. SECRETARY OF STATE

SECTION 1. *Delegation of functions.* Except to the extent inconsistent with Sections 22(a) and 32(a) of this Order, all the functions which were transferred to the President by Sections 1(c) and 1(d) of Reorganization Plan No. 4 of 1965 are hereby delegated to the Secretary of State, hereinafter referred to as the Secretary.

SEC. 2. *Redelegation.* The Secretary may redelegate the functions delegated to him by the provisions of Section 1 of this Order to officials or bodies of the Department of State.

PART II. BOARD OF THE FOREIGN SERVICE

SEC. 21. *Establishment of Board.* (a) There is hereby established in the Department of State the Board of the Foreign Service, hereafter in this Part referred to as the Board.

(b) The Board shall be composed of:

(1) Five officials of the Department of State, each of whom shall be designated as a member of the Board by the Secretary and one of whom shall be so designated from among the officials of the Agency for International Development.

(2) One official of each of the following who in each case shall be designated as a member of the Board by the head of the department or agency concerned:

(i) The Department of Commerce

(ii) The Department of Labor

(iii) The United States Information Agency

(iv) Such other executive departments and agencies as shall be designated from time to time by the Secretary, each of which shall have one member on the Board.

(3) The Chairman of the United States Civil Service Commission.

(c) The Secretary may invite the head of any executive department or other agency which is not represented on the Board by a member of the Board to designate a representative to participate in meetings of the Board whenever matters of substantial interest to such department or agency are to be considered by the Board.

(d) Each member designated pursuant to subsection (b)(1) or (b)(2), above, and each representative designated pursuant to subsection (c), above, shall be chosen from among the officials of the department or agency concerned who are not below the rank of an Assistant Secretary or who are occupying positions of comparable responsibility, except that the Secretary may designate the Director General of the Foreign Service as one of the members under subsection (b)(1), above.

(e) The Secretary shall from time to time designate a member of the Board as the chairman of the Board.

SEC. 22. *Functions of the Board.* (a) There are hereby delegated to the Board the functions which prior to the taking effect of Reorganization Plan No. 4 of 1965 were vested in the Board of the Foreign Service abolished by that plan by Section 211(b) of the Foreign Service Act of 1946 (22 U.S.C. 826(b)), exclusive of that part thereof which follows the last semicolon in the Section, and by Section 637(a) of that Act (22 U.S.C. 1007(a)).

(b) The Board shall perform such additional functions as the Secretary may from time to time delegate or otherwise assign thereto.

PART III. BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

SEC. 31. *Establishment of Board.* (a) There is hereby established in the Department of State the Board of Examiners for the Foreign Service, hereinafter referred to as the Board of Examiners.

(b) The membership of the Board of Examiners shall be constituted in accordance with regulations prescribed by the Secretary. The Secretary shall from time to time designate a member of the Board of Examiners as the chairman thereof. Not more than one half of the membership of the Board of Examiners may be made up of officers of the Foreign Service.

SEC. 32. *Functions of the Board.* (a) There are hereby delegated to the Board of Examiners the functions which prior to the taking effect of Reorganization Plan No. 4 of 1965 were vested in the Board of Examiners for the Foreign Service abolished by that plan by Sections 212(a), 516(a), and 517 of the Foreign Service Act of 1946 (22 U.S.C. 827(a); 911(a); 912).

(b) The Board of Examiners shall perform such additional functions as the Secretary may from time to time delegate or otherwise assign thereto.

SEC. 33. *Direction and supervision.* All functions delegated or otherwise assigned by or pursuant to this Part shall be performed subject to the direction and supervision of the Secretary.

PART IV. MISCELLANEOUS PROVISIONS

SEC. 41. *Administrative arrangements.* (a) The Department of State is hereby designated as the agency which shall provide administrative services and facilities for the Board of the Foreign Service and the Board of Examiners.

(b) Upon request of the Secretary, the heads of executive departments and agencies shall, as far as practicable, furnish the Board of the Foreign Service and the Board of Examiners information and reports relating to matters within the cognizance of the respective boards.

SEC. 42. *Saving provisions.* (a) Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements and other actions made, issued, or entered into with respect to any functions affected by this Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(b) For the purposes of any proceeding or other business which immediately before the effective date of Reorganization Plan No. 4 of 1965 or of this Order was pending or in process before the Board of the Foreign Service or the Board of Examiners for the Foreign Service as established by the provisions of the Foreign Service Act of 1946 or by the provisions of Executive Order No. 11240 of August 4, 1965, the bodies established by Parts II and III of this Order shall be deemed to represent continuations of the respective Boards.

(c) Nothing in Reorganization Plan No. 4 of 1965 (30 F.R. 9353) or in this Order or in any Executive order issued before the date of this Order shall be deemed to terminate or impair any of the following:

(1) The availability to the Director of the United States Information Agency of the authority which was made available to him by Executive Order No. 10522 of March 26, 1954.

(2) The availability to the Administrator of the Agency for International Development of the authority which was made available to him by Section 2(b) (3) of State Department Delegation of Authority No. 104 of November 3, 1961, 26 F.R. 10608.

(3) The availability to the Director of the Peace Corps of the authority which was made available to him by Section 2(b) (3) of State Department Delegation of Authority No. 85–11A of August 29, 1962, 27 F.R. 9074.

(4) The availability to the Secretary of State of the authority which was vested in him by Section 42(3) of the Arms Control and Disarmament Act (22 U.S.C. 2582(3)).

SEC. 43. *Effective date.* The provisions of this Order shall be effective as of January 1, 1966.

LYNDON B. JOHNSON

THE WHITE HOUSE,
December 31, 1965.

[F.R. Doc. 66-146; Filed, Jan. 3, 1966; 1:58 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show that the position of Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Army (Installations and Logistics) is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (9) of paragraph (a) of § 213.3307 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–49; Filed, Jan. 4, 1966; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3308 is amended to show the exception under Schedule C of the position of Deputy Under Secretary for Manpower and that one position of Civilian Aide or Executive Assistant to the Under Secretary is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) of paragraph (a) of § 213.3308 is amended and subparagraph (10) is added to paragraph (a) as set out below.

§ 213.3308 **Department of the Navy.**

(a) *Office of the Secretary.* * * *

(6) One Civilian Aide or Executive Assistant to the Under Secretary.

* * * * *

(10) One Deputy Under Secretary for Manpower.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–97; Filed, Jan. 4, 1965; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of the position of Deputy Assistant Secretary for Education. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (j) of § 213.3316 as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * *

(j) *Office of the Assistant Secretary for Education.* * * *

(2) One Deputy Assistant Secretary for Education.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–96; Filed, Jan. 4, 1966; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.4, Amdt. 6]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1965

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922) and as further amended by Public Law 89–331, approved November 8, 1965 (hereinafter called the "Act"), for the purpose of further amending Sugar Regulation 813 (30 F.R. 435, 8461, 12282, 14308, 15360, 16103) which established allotments of the 1965 sugar quota for the Domestic Beet Sugar Area totaling 3,025,000 short tons, raw value.

This amendment is necessary to prorate a deficit in the allotment of one allottee under this order. Empire State Sugar Co. has notified the Department in writing that they will be unable to utilize any of their 1965 allotment of 1,605 short tons, raw value, and has released this quantity for allocation to other allottees.

Findings heretofore made by the Secretary (30 F.R. 435) include the provision that this order shall be revised, without further notice or hearing, for the purpose of allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotments.

Accordingly, a deficit in the allotment herein established for Empire State Sugar Co. is herein reallocated to allottees that are able to utilize additional allotments. The deficit is reallocated prorata on the basis of the allotments in effect immediately prior to this amended order.

Allotments set forth herein are established on the basis of and consistent with the findings previously made by the Secretary.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act; it is hereby ordered, that paragraph (a) of § 813.4, as amended, be further amended to read as follows.

§ 813.4 **Allotment of the 1965 sugar quota for the domestic beet sugar area.**

(a) *Allotments.* The 1965 calendar year sugar quota for the Domestic Beet Sugar Area of 3,025,000 short tons, raw value is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processor	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	371,357	6,941,251
American Crystal Sugar Co.	328,168	6,133,980
Buckeye Sugars, Inc.	20,128	376,224
Empire State Sugar Co.	0	0
Great Western Sugar Co., The	721,495	13,485,886
Holly Sugar Corp.	502,684	9,395,961
Layton Sugar Co.	16,629	310,822
Michigan Sugar Co.	95,256	1,780,486
Monitor Sugar Division, Robert Gage Coal Co.	46,217	863,869
National Sugar Manufacturing Co., The	9,362	175,000
Spreckels Sugar Co., division of American Sugar Co.	463,533	8,664,167
Union Sugar Division, Consolidated Foods Corp.	154,606	2,889,832
Utah-Idaho Sugar Co.	295,565	5,524,578
Total	3,025,000	56,542,056

* * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119 and as further amended by Public Law 89–331, enacted Nov. 8, 1965)

Effective date. When filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 30th day of December 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-14018; Filed, Dec. 30, 1965; 12:40 p.m.]

[Sugar Reg. 813.5]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1966

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922) and as further amended by Public Law 89-331, approved November 8, 1965 (hereinafter called the "Act"), for the purpose of establishing allotments of the 1966 sugar quota for the Domestic Beet Sugar Area for the period January 1, 1966, to the date allotments of such quota are prescribed for the calendar year 1966 on the basis of a subsequent hearing.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that between 2,525,000 and 2,725,000 short tons, raw value, of sugar will be held in inventory by the allottees on January 1, 1966, or will be produced by them from the remainder of the 1965-crop sugar beets in the first 8 months of 1966. This quantity of sugar, along with production of sugar from the 1966 crop beets will result in a supply of sugar available for marketing in 1966 in excess of the 1966 quota that may be expected for the area. Thus, lack of continuity in allotment of the quota might lead to disorderly marketing and some interested persons may be prevented from having equitable opportunities to market sugar (R-9). Inventories of sugar on January 1, 1966, together with production in early 1966 may make it possible for some allottees to market a quantity of sugar larger than the allotments established by this order. It, therefore, is necessary that such allotments, to be effective, be in effect on January 1, 1966. In view thereof, and since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidable requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1966.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary, and a notice was published on November 17, 1965 (30 F.R. 14379), of a public hearing to be held at Washington, D.C., in Room 2-W, Administration Building of the Department of Agriculture on November 19, 1965, at 10 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm, modify or revoke the preliminary finding of necessity for allotments, and (2) to establish fair, efficient and equitable allotments of a portion of the 1966 quota for the Domestic Beet Sugar Area for the period January 1, 1966, to the date the Secretary prescribes allotments of such quota for the calendar year 1966 on the basis of a subsequent hearing.

The hearing was held at the place and time specified in the notice.

Basis for findings and conclusions. Section 205(a) of the act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugarbeets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. The Secretary is also authorized in making such allotments, whenever there is involved any allotment that pertains to a new sugarbeet processing plant or factory serving a locality having a substantial sugarbeet acreage for the first time or that pertains to an existing sugarbeet processing plant or factory with substantial sugarbeet acreage for the first time, to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need of establishing an allotment which will permit such marketing of sugar as is necessary for reasonably efficient operation of any such new processing plant or factory or expanded facilities during each of the first two years of its operation. The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugarbeets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided*, That the marketing allotment of any such processor of sugarbeets shall not be increased under this provision above an allotment of 25,000 short tons, raw value, and the marketing allotment of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made, except that the marketing allotment for 1965 of any processor of sugarcane, other than a processor-refiner, may, in the discretion of the Secretary, be increased by an additional 6,200 short tons of sugar, raw value: *Provided further*, That the total increases in marketing allotments made pursuant to this sentence to processors in the domestic beet sugar area shall be limited to 25,000 short tons of sugar, raw value, for each calendar year and to processors in the mainland cane sugar area shall be limited to 16,000 short tons of sugar, raw value, for each calendar year. The Secretary may also, upon such hearing and notice as he may by regulations prescribe, revise or amend any such allotment upon the same basis as the initial allotment was made. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. If allotments are in effect at the time of a reduction in a domestic area quota for any year, the amount marketed by a person in excess of the amount of his allotment as reduced in conformity with the reduction in the quota shall not be taken into consideration in establishing an allotment in the next succeeding year for such person, and any allotment established for such person for the next succeeding year shall be reduced by such excess amount. * * *

The necessity for allotment of the 1966 sugar quota for the Domestic Beet Sugar Area is indicated by the fact that the quantity of sugar in prospect for marketing in 1966 exceeds the quota that may be established and that in the absence of allotments disorderly marketing might occur and some interested persons may be prevented from having equitable opportunities to market sugar (R-9).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1966 until the level of processings from the 1965 beet crop will be known or can be closely approximated, but that allotments of a portion of the quota should be in effect January 1, 1966, because inventories of sugar on January 1, 1966, together with production of sugar early in 1966 may make it possible for some allottees to market shortly after January 1, 1966, a quantity of sugar larger than eventually may be allotted to them (R-9, 10).

The government witness proposed at the hearing that for the period January 1, 1966, to the date an order is made effective based on the record of a subsequent hearing that the marketing allotment of the sugar quota for the Domestic Beet Sugar Area for each individual allottee shall be established at 75 percent of the 1965 allotment in effect for each allottee as of December 15, 1965, except that, such allotment for any nonaffiliated single plant processor having a final 1965 marketing allotment of 25,000 short tons of sugar, raw value, or less and for Empire State Sugar Co., Inc., shall not be less than such processor's January 1, 1966, effective inventory as determined

and estimated by the Secretary (R–12, 13). Official notice will be taken of written reports received from such processors of their estimated January 1, 1966, effective inventory when they become official records of the Department (R–13).

Allotments established on this basis give effect to the three factors cited in section 205(a) of the act for consideration in allotting a quota in the same manner that these factors were treated in allotting the quota for 1965 insofar as they would be based on 1965 allotments in effect on December 15, 1965 (R–14).

The hearing record contains proposals (R–15) to include in the order to become effective January 1, 1966, paragraphs essentially the same as paragraphs (b), (c), and (d) of Sugar Regulation 813.4 (30 F.R. 435) which established initial allotments for 1965. No testimony, proposals or arguments contrary to that outlined above appear in the hearing records.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1966 Domestic Beet Sugar processors will have available for marketing from 1965-crop sugarbeets between 2,525,000 and 2,725,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1966-crop beets, will result in a supply of sugar available for marketing in 1966 sufficiently in excess of the anticipated 1966 quota for the Domestic Beet Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1966 Domestic Beet Sugar Area quota is necessary to prevent disorderly marketings and to afford all interested persons equitable opportunities to market sugar processed from sugarbeets produced in the area.

(3) Allotment of the entire 1966 calendar year sugar quota for the Domestic Beet Sugar Area should be deferred until processings of the 1965-crop sugarbeets can be known or closely estimated for all allottees. However, it is necessary that an allotment of such quota be in effect on January 1, 1966, in order to avoid disorderly marketing out of sugar on hand on that date or to be produced shortly thereafter, and to afford all interested persons equitable opportunities to market sugar.

(4) The findings in (3), above, require that, effective for the period January 1, 1966, until the date an allotment order is made effective on the basis of a subsequent hearing that the preliminary 1966 marketing allotment for each individual allottee shall be established at 75 percent of the 1965 allotment in effect for each allottee as of December 15, 1965, except that, such allotment for any nonaffiliated single plant processor having a final 1965 marketing allotment of 25,000 short tons of sugar, raw value, or less and for Empire State Sugar Co., Inc., shall not be less than such processor's January 1, 1966, effective inventory as determined or estimated by the Secretary. Official notice will be taken of written reports received from such processors of their estimated January 1, 1966, effective inventory when they become official records of the Department.

(5) Buckeye Sugars, Inc., and The National Sugar Manufacturing Co. are the only nonaffiliated single plant processors of sugarbeets having final 1965 allotments less than 25,000 short tons, raw value.

(6) The January 1, 1966, effective inventories as estimated by the Secretary in short tons, raw value, of sugar are 12,871 tons for Buckeye Sugars, Inc., 11,770 tons for Empire State Sugar Co., Inc., and 1,934 tons for The National Sugar Manufacturing Co. and allotments established for these processors in this order are not less than these quantities.

(7) In establishing allotments of the 1966 sugar quota for the Domestic Beet Sugar Area as found in (4), above, the statutory factors, "processings * * * from * * * proportionate shares," "past marketings" and "ability to market" have been taken into consideration, to the extent consideration was given to these factors in 1965 allotments in effect on December 15, 1965.

(8) The allotment of the 1965 quota referred to in (4), above, are as set forth in the following table:

Processor	*Allotments (short tons, raw value)*
Amalgamated Sugar Co., The	370,150
American Crystal Sugar Co	327,101
Buckeye Sugars, Inc	20,062
Empire State Sugar Co	8,462
Great Western Sugar Co., The	719,150
Holly Sugar Corp	501,051
Layton Sugar Co	16,575
Michigan Sugar Co	94,946
Monitor Sugar Division, Robert Gage Coal Co	46,068
National Sugar Manufacturing Co., The	10,700
Spreckels Sugar Co., division of American Sugar Co	462,026
Union Sugar Division, Consolidated Foods Corp	154,104
Utah-Idaho Sugar Co	294,605
Total	3,025,000

(9) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugarbeets, or molasses derived from sugarbeets, but retain and process such sugarbeets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(10) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest.

(11) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

(12) For the period January 1, 1966, until the date allotments of the entire 1966 calendar year sugar quota for the Domestic Beet Sugar Area are prescribed, on the basis of a subsequent hearing, the allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of such quota and meet the requirements of section 205(a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act, it is hereby ordered:

§ 813.5 Allotment of the 1966 sugar quota for the domestic beet sugar area.

(a) *Allotments.* For the period January 1, 1966, until the date allotments of the entire 1966 calendar year sugar quota for the Domestic Beet Sugar Area are prescribed on the basis of a subsequent hearing, the 1966 quota for the Domestic Beet Sugar Area is hereby allotted, to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	277,612	5,189,009
American Crystal Sugar Co.	245,326	4,585,533
Buckeye Sugars, Inc	15,046	281,234
Empire State Sugar Co	11,770	220,000
Great Western Sugar Co., The	539,362	10,081,533
Holly Sugar Corp	375,788	7,024,075
Layton Sugar Co	12,431	232,355
Michigan Sugar Co	71,210	1,331,028
Monitor Sugar Division, Robert Gage Coal Co	34,551	645,813
National Sugar Manufacturing Co., The	8,025	150,000
Spreckels Sugar Co., division of American Sugar Co	346,520	6,477,009
Union Sugar Division, Consolidated Foods Corp	115,578	2,160,336
Utah-Idaho Sugar Co	220,954	4,129,981
Subtotal	2,274,173	42,507,906
Unallotted	750,827	14,034,150
Total	3,025,000	56,542,056

(b) *Marketing of sugarbeets and molasses.* If sugarbeets or molasses derived from sugarbeets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugarbeets or molasses, such delivery at the time it occurs shall constitute a marketing which shall be effective for filling the allotment of the processor who sold and processed such sugarbeets or molasses.

(c) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of §§ 816.1 to 816.9 of this chapter (Sugar Regulation 816, Rev. 1; 23 F.R. 1943; 27 F.R. 1450).

(d) *Transfer of allotments.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other person, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect

upon the allottees or persons involved has occurred.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119)

Effective date. January 1, 1966.

Signed at Washington, D.C., this 29th day of December 1965.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 65-14014; Filed, Dec. 30, 1965; 12:40 p.m.]

[Sugar Reg. 814.3, Amdt. 8]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1965 Quota

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), and as further amended by Public Law 89-331, enacted November 8, 1965, hereinafter called the "Act," for the purpose of amending Sugar Regulation 814.3 (30 F.R. 4746, 7945, 14261, 15576) which established allotments for the Mainland Cane Sugar Area for the calendar year 1965.

This amendment is necessary to revise allotments to determine and prorate deficits in allotments.

On the basis of written advice from individual allottees, the Secretary of Agriculture has determined that nine allottees are unable to fully utilize 1965 allotments of the Mainland Cane Sugar Area quota in excess of stated maximum quantities, and that there is a deficit in the allotments of such allottees amounting to 6,697 short tons, raw value, as follows:

Processor	Short tons, raw value
J. Aron & Co., Inc	192
Wm. T. Burton Industries, Inc	801
Caire & Graugnard	641
Caldwell Sugars Co-op, Inc	1,000
Duhe & Bourgeois Sugar Co	1,000
Helvetia Sugar Co-op, Inc	354
LaFourche Sugar Co	1,653
Valentine Sugars, Inc	656
Vida Sugars, Inc	400
Total	6,697

Accordingly, a deficit of 6,697 short tons, raw value, is declared and is herein prorated to other allottees, who have indicated they can effectively use additional allotments, on the basis of 1965 allotments made effective by Sugar Regulation 814.3, Amendment 5 (30 F.R. 7945).

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of allotting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (30 F.R. 4746).

Effective date. Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit processors to fully utilize the entire quota for the area. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered,* That paragraph (a) of § 814.3, be amended to read as follows:

§ 814.3 Allotment of the 1965 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* The 1965 sugar quota for the Mainland Cane Sugar Area of 1,100,000 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co	9,673
Alma Plantation, Ltd	9,727
J. Aron & Co., Inc	15,165
Billeaud Sugar Factory	10,234
Breaux Bridge Sugar Co-op	8,852
Wm. T. Burton Industries, Inc	12,911
Caire & Graugnard	5,230
Cajun Sugar Co-op, Inc	17,779
Caldwell Sugars Co-op, Inc	12,951
Catherine Sugar Co., Inc	5,273
Colombia Sugar Co	7,781
Cora-Texas Manufacturing Co., Inc	7,026
Dugas & LeBlanc, Ltd	13,562
Duhe & Bourgeois Sugar Co	9,774
Erath Sugar Co., Ltd	7,316
Evan Hall Sugar Co-op, Inc	21,658
Frisco Cane Co., Inc	3,069
Glenwood Co-op, Inc	15,174
Helvetia Sugar Co-op, Inc	10,947
Iberia Sugar Co-op, Inc	18,536
LaFourche Sugar Co	16,000
Harry L. Laws & Co., Inc	12,655
Levert-St. John, Inc	14,644
Louisa Sugar Co-op, Inc	11,110
Louisiana State Penitentiary	2,216
Louisiana State University	150
Meeker Sugar Co-op, Inc	10,667
Milliken & Farwell, Inc	12,861
M. A. Patout & Son, Ltd	15,098
Poplar Grove Planting & Refining Co	8,765
Reserve Sugar Co	4,138
Savoie Industries	13,542
St. James Sugar Co-op, Inc	17,454
St. Mary Sugar Co-op, Inc	13,704
South Coast Corp	72,982
Southdown, Inc	41,383
Sterling Sugars, Inc	24,661
J. Supple's Sons Planting Co., Inc	5,360
Valentine Sugars, Inc	11,879
Vida Sugars, Inc	5,136
A. Wilbert's Sons Lumber & Shipping Co	9,132
Young's Industries, Inc	7,899
Louisiana, subtotal	554,074
Atlantic Sugar Association	27,254
Florida Sugar Corp	12,137
Glades County Sugar Growers Co-op, Association	38,311
Okeelanta Sugar Refinery, Inc	75,695
Osceola Farms Co	42,802
South Florida Sugar Co., Inc	10,801
Sugarcane Growers Co-op, of Florida	95,622
Talisman Sugar Corp	26,269
U.S. Sugar Corp	217,035
Florida, subtotal	545,926
Total, all mainland cane	1,100,000

* * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C.; interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Effective date. When filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 29th day of December 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-14015; Filed, Dec. 30, 1965; 12:40 p.m.]

[Sugar Reg. 815.7]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1966

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended, and as further amended by Public Law 89-331, enacted November 8, 1965 (hereinafter called the "Act"), for the purpose of allotting the portion of the sugar quota for Puerto Rico for the calendar year 1966 which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that the capacity to produce refined sugar in Puerto Rico far exceeds the maximum quantity of Puerto Rican direct-consumption sugar that may be marketed within probable mainland and local quotas (R-8). The proceeding to which this order relates was instituted for the purpose of allotting the direct-consumption portion of the mainland quota to prevent disorderly marketing and to afford each interested person an equitable opportunity to market direct-consumption sugar in the continental United States. The allotments made effective by this order are small in relation to the quantities of sugar that could be produced for marketing and delay in the issuance of the order might result in some persons marketing more than their fair share of the direct-consumption portion of the quota. Therefore, it is imperative that this order become effective on January 1, 1966, in order to fully effectuate the purposes of section 205(a) of the Act. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary

under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1966.

Preliminary statement. Under the provisions of section 205(a) of the Act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area. Section 205(a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a preliminary finding was made that allotment of the direct-consumption portion of the quota is necessary and a notice was published on December 1, 1965 (30 F.R. 14855), of a public hearing to be held at Washington, D.C., in Room 2-W, Administration Building, U.S. Department of Agriculture, on December 3, 1965, at 9:15 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the calendar year 1966. The hearing was held at the time and place specified in the notice.

In arriving at the findings, conclusions, and regulatory provisions contained herein, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining to the allotment of the direct-consumption portion of the mainland quota.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of sec. 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. * * *

The record of the hearing regarding the subject of this order shows that the capacity to produce refined sugar in Puerto Rico far exceeds the maximum quantity of Puerto Rican direct-consumption sugar that may be marketed within the probable quotas. Thus, to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market sugar within the quota as required by section 205(a) of the Act, allotment of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the calendar year 1966 is found to be necessary (R-9).

While all three factors specified in the provisions of section 205(a) of the Act quoted above have been considered, only the "past marketings" and "ability to market" factors have been given percentile weightings in the formula on which the allotment of the direct-consumption portion of the mainland quota for Puerto Rico is based. Testimony indicates that allottees accounting for over 90 percent of the direct-consumption sugar brought into the continental United States each year do not process sugar from sugarcane and, accordingly, no weight should be given to the factor "processings from proportionate shares" (R-10).

The government witness proposed the factor "past marketings" be measured for each processor and refiner by the average annual quantity of direct-consumption sugar which he marketed in the continental United States within the mainland quotas for Puerto Rico during the 5 years 1961 through 1965, inclusive, expressed as a percentage of the sum of such quantities for all processors and refiners. The witness stated that the use of the quantities marketed in the most recent 5-year period will reflect market conditions similar to those which would be expected to occur in the marketing of direct-consumption sugar in the mainland in 1966, and furthermore, that a 5-year average of such marketings tends to minimize short-run influences affecting data for a single year and adds stability to the "past marketings" factor (R-11).

The government witness proposed that the factor "ability to market" be measured by the largest quantity of direct-consumption sugar marketed in the mainland by each refiner and processor in any one of the past 5 years, 1961 through 1965, expressed as a percentage of the sum of such quantities for all refiners and processors. The witness stated that the actual demonstrated ability of each allottee as measured by the largest quantity of sugar marketed in any one of the last 5 years is believed to be the best measure of processor's and refiner's relative ability to market direct-consumption sugar in the mainland in 1966, and that the use of a more remote period would not be as indicative of current ability to market (R-12).

In determining allotments of the direct-consumption portion of the mainland quota for the calendar year 1966, the government witness proposed that the factors "past marketings" and "ability to market," measured as proposed above, be weighted equally and such weighted percentages shall be applied to the quantity to be allotted in determining individual allotments (R-12).

The order allotting the direct-consumption portion of the mainland quota for 1965 established a liquid sugar reserve of 25 short tons, raw value, for other than named allottees. The record of the hearing held December 3, 1965, reveals that shipments of liquid sugar totaled 26 tons in 1959, 31 tons in 1960, none in 1961, 24 tons in 1962, 18 tons in 1963, 10 tons in 1964 and 23 tons to date in 1965. Accordingly, the government witness proposed that a liquid sugar reserve in an amount not to exceed 30 short tons, raw value, be established to permit the marketing of liquid sugar in the continental United States in 1966 by other than named allottees. Provision is therefore made for determining allotments by applying the weighted percentage factors for each allottee to the direct-consumption portion of the mainland quota less such liquid sugar reserve.

At the hearing the witness representing all five named allottees submitted a stipulation signed by representatives of all such allottees, which was marked Exhibit No. 7 for identification and received in evidence as part of the record of the hearing. This stipulation proposed that the direct-consumption portion of the 1966 mainland quota be allocated on the basis of the record of the hearing for 1965 allotments, with the formula updated by dropping the data for 1960 and including data for 1965.

In accordance with the record of the hearing (R-17) provision has been made in the findings and the order to revise allotments for the calendar year 1966, without further notice or hearing for purposes of (1) giving effect to the substitution of revised estimates or final data or both for estimates of the quantity of direct-consumption sugar imported into the continental United States by each allottee, (2) allotting any quantity of allotment to other allottees or to the residuary balance available for all persons when written notification of release of allotment becomes a part of the official records of the Department, and (3) giving effect to any increase or decrease in the direct-consumption portion of the mainland quota. Also, as proposed in the record (R-21) the findings and order contain provisions relating to restrictions on marketing similar to those contained in the 1965 Puerto Rican allotment order since such provisions operated successfully in 1965 and no objection was made in the record to their inclusion.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) Based upon the rate of production of refiners and processors in Puerto Rico in 1965, the potential capacity of Puerto Rican processors and refiners to produce direct-consumption sugar during the calendar year 1966 is at least 360,000 short tons and this quantity is proportionately far greater than the total quantity of such sugar which may be marketed within the mainland and local sugar quotas for Puerto Rico for the calendar year 1966.

(2) The allotment of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the calendar year 1966 is necessary to prevent disor-

derly marketings of such sugar and to afford each interested person on equitable opportunity to market such sugar in the continental United States.

(3) Assignment of percentile weight to the "processing from proportionate shares" factor in the allotment formula would not result in fair, efficient, and equitable allotments.

(4) An allotment of 30 short tons, raw value, shall be established as a liquid sugar reserve to permit the marketing of liquid sugar in the continental United States by persons other than named allottees during the calendar year 1966.

(5) The "past marketings" factor shall be measured by each allottee's percentage of the average entries of direct-consumption sugar by all allottees in the continental United States during the years 1961 through 1965.

(6) The "ability to market" factor shall be measured for each allottee by expressing each allottee's largest entries of direct-consumption sugar into the United States during any one of the past 5 years, 1961 through 1965, as a percent of the sum of such entries for all allottees.

(7) The quantities of sugar and percentages referred to in paragraphs (5) and (6), above, based on data involving estimates for 1965 direct-consumption entries which shall be used to establish allotments pending availability and substitution of revised or final data for such estimates, are set forth in the following table:

Allottee	Average annual marketings, 1961–65		Highest annual marketings, 1961–65	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total
	(1)	(2)	(3)	(4)
Central Aguirre Sugar Co., a trust	5,804	3.8803	6,913	4.4301
Central Roig Refining Co	20,625	13.7889	21,883	14.0233
Central San Francisco	1,090	.7287	1,578	1.0112
Puerto Rican American Sugar Rfy., Inc	98,201	65.6525	101,252	64.8856
Western Sugar Refining Co	23,857	15.9496	24,421	15.6498
Total	149,577	100.0000	156,047	100.0000

(8) Allotments totaling the direct-consumption portion of the Puerto Rican mainland quota for the calendar year 1966, less the liquid sugar reserve provided for in Finding (4), above, should be established by giving 50 percent weight to past marketings, measured as provided in Finding (5), above, and 50 percent weight to ability to market, measured as provided in Finding (6), above.

(9) This order may be revised without further notice or hearing for the purpose of substituting revised estimates or final data or both for previous estimates of the Puerto Rican direct-consumption sugar entries by and on behalf of each allottee in 1965 when such revised data or final data or both become part of the official records of the Department.

(10) This order shall be revised without further notice or hearing to revise allotments to give effect to any change in the direct-consumption portion of the quota for Puerto Rico for the calendar year 1966 on the same basis as is provided in these findings for establishing allotments.

(11) This order shall require each allottee to submit to the Department, in writing, in the following form, no later than October 1, 1966, an estimate of the maximum quantity of direct-consumption sugar he will be able to market during the quota year within any allotment, and a release for allocation to other allottees or to a residuary balance available for all persons the portion of any allotment which may be established for him in excess of such maximum quantity:

I, the undersigned allottee, estimate that I will be able to market not to exceed _____ short tons, commercial weight, equivalent to _____ short tons, raw value, of sugar during the entire calendar year 1966, within any allotment of the direct-consumption portion of the 1966 mainland quota for Puerto Rico which may be established for me pursuant to S.R. 815.

I release for disposition under the provisions of S.R. 815 the portion of any allotment in excess of the above stated quantity of sugar and any increase in my allotment in excess of such stated amount which would result from either an increase in the direct-consumption portion of the Puerto Rican sugar quota or the allocation of any allotment, or a portion thereof, released by one or more other allottees, occurring in either case, from the date of this release until the end of the calendar year.

An allottee may revise a previous notice of the maximum quantity he may market during the quota year and a previous release of allotment deficit by submitting to the Department on the prescribed form a new notice of the maximum quantity he may market during the quota year and a new release of allotment deficit. A revised notice and release may be given effect only to the extent that the allotment of any other allottee will not be reduced solely thereby as provided in Finding (12).

(12) This order shall provide for reallotment without further notice or hearing of any allotment, or portion thereof, that may be released by an allottee as provided in Finding (11) whenever such released allotments or portions thereof become available.

In revising allotments for the purpose of giving effect to a quota increase or decrease, or to give effect to a release by an allottee, allotment deficits shall be determined and allocated without regard to any previous determination and proration of deficits and such deficits shall be allocated proportionately among other allottees to the extent they are able to utilize additional allotments, on the basis of allotments computed for such allottees without including allocation of any allotment deficits: *Provided,* That the allotment previously in effect for an allottee which includes a deficit proration shall not be reduced solely to give effect to a revised notice received from another allottee subsequent to such deficit proration and which notice increases the declared maximum quantity such other allottee is able to market. Such deficit allocations to any allottee shall be limited in accordance with the written statement of the maximum quantity he will market submitted as provided in Finding (11). In the event the total of allotment deficits released by allottees exceeds the total quantity which can be utilized by other allottees, the excess quantity shall be placed in a residual balance available for all persons.

(13) Official notice will be taken of (a) written notice to the Department by an allottee of the estimated maximum marketings of such allottee within an allotment and of the quantities of sugar released for reallotment when the notification becomes a part of the official records of the Department, (b) final data for 1965 calendar year marketing of sugar for direct-consumption in the mainland that become a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the mainland sugar quota for Puerto Rico and the direct-consumption portion thereof established for 1966.

(14) Each allottee during the calendar year 1966 shall be restricted from bringing into the continental United States for consumption therein any direct-consumption sugar in excess of the smaller of his allotment established herein or the sum of the quantity of sugar produced by the allottee from sugarcane grown in Puerto Rico and the quantity of sugar acquired from Puerto Rican processors by the allottee during such year for shipment to the mainland within the applicable mainland quota for Puerto Rico. All other persons shall be prohibited from bringing direct-consumption sugar into the continental United States during the calendar year 1966 for consumption therein except such sugar acquired in such year from an allottee within his allotment established herein or sugar brought in within the liquid sugar reserve established for other than named allottees. All persons collectively shall be prohibited from bringing into the continental United States any direct-consumption sugar other than crystalline sugar in excess of the quantity by which the direct-consumption portion of the mainland quota exceeds 126,033 short tons, raw value. Of that part of the direct-consumption portion of the mainland quota that may be filled by either liquid or crystalline sugar, 30 short tons, raw value, shall be reserved to cover shipments of liquid sugar by other than named allottees as provided in Finding (4).

(15) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest.

(16) Allotments established in the foregoing manner and the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quota, as required by section 205(a) of the Act.

(17) To assure that an allottee will not market a quantity of sugar in excess of his final 1966 allotment to be established later on the basis of final data, allotments established by this order should be limited to 90 percent of the direct-consumption portion of the mainland sugar quota for Puerto Rico pending the allotment of the quota based on final data.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the findings and conclusions heretofore made, it is hereby ordered:

§ 815.7 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1966.

(a) *Allotments.* For the period January 1, 1966, until the date allotments of the entire 1966 direct-consumption portion of the mainland sugar quota for Puerto Rico are prescribed, 90 percent of the 1966 direct-consumption portion of the mainland sugar quota for Puerto Rico is hereby allotted as follows:

Allottee	*Direct-Consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	5,496
Central Roig Refining Co	18,394
Central San Francisco	1,151
Puerto Rican American Sugar Refinery, Inc	86,331
Western Sugar Refining Co	20,898
Liquid sugar reserve for persons other than named above	30
Subtotal	132,300
Unallotted	14,700
Total	147,000

(b) *Restrictions on marketing.* (1) During the calendar year 1966, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States within an allotment established for such allottee, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the sum of the quantity of sugar produced by the allottee from sugarcane grown in Puerto Rico, and the quantity of sugar produced from Puerto Rican sugarcane which was sugar acquired by the allottee in 1966 for further processing and shipment within the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1966.

(2) During the calendar year 1966, all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except that acquired from an allottee within the quantity limitations established in subparagraph (1) of this paragraph and that brought in within the liquid sugar reserve for persons other than named allottees.

(3) Of the total quantity of direct-consumption sugar allotted in paragraph (a) of this section, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure and the balance may be filled by sugar whether or not principaly of crystalline structure, except that 30 short tons, raw value, of such balance is reserved to cover shipments of liquid sugar by other than named allottees.

(c) *Revision of allotments.* The Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this section without further notice or hearing to give effect to (1) the substitution of revised estimates or final data for estimates as provided in Finding (9) accompanying this order, (2) any increase or decrease in the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1966, as provided in Finding (10) accompanying this order, and (3) the reallocation, as provided in Finding (12) accompanying this order, of any allotment or portion thereof released by an allottee.

(d) *Transfer of marketing rights under allotments.* The Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, of the Department, consistent with the provisions of the Act, may permit a quantity of sugar produced from sugarcane grown in Puerto Rico to be brought into the continental United States for direct-consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon relinquishment by the latter allottee of an equivalent quantity of his allotment and upon receipt of evidence satisfactory to the Secretary that a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; interprets or applies sec. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119)

Effective date. January 1, 1966.

Signed at Washington, D.C., this 29th day of December 1965.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 65-14016; Filed, Dec. 30, 1965; 12:40 p.m.]

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 868.18]

PART 868—SUGARCANE; VIRGIN ISLANDS

Fair and Reasonable Wage Rates; Calendar Year 1966

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on November 8, 1965, the following determination is hereby issued.

§ 868.18 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1966.

(a) *Requirements.* A producer of sugarcane in the Virgin Islands shall be deemed to have complied with the wage provisions of the act during the calendar year 1966 if all persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher but not less than the following, which shall become effective on January 10, 1966:

(i) *Basic time rates.* The basic rate per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

Class or worker	*Basic rates per hour*
A—Operator of mechanical loaders	$0.90
B—Operator of tractors and trucks	.75
C—Chemical sprayers	.70
D—All others	.65

(ii) *Apprentice operators of mechanical loaders and tractors.* For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour, and the hourly rate for tractor operators in Class B of subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: *Provided,* That the training period for such workers shall not exceed 6 work-weeks: *And provided further,* That the producer shall file with the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico 00910 (herein referred to as Area Office), a certified statement containing the names of all such workers, the hourly wage rate paid to each, and the period each was employed as a learner or as an apprentice.

(iii) *Handicapped workers.* For an individual whose productive capacity is impaired by age or physical or mental deficiency, the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: *Provided,* That the producer shall file with the Area Office, a certified statement containing the names of all such workers, the hourly wage rates paid to each, and the nature of the handicap of each such worker.

(iv) *Overtime.* Persons employed in excess of 8 hours in any 24-hour period or in excess of 40 hours in any 1 week shall be paid for the overtime work at a rate not less than 1½ times the applicable hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph: *Provided,* That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in applicable municipal or territorial laws or regulations.

(v) *Piecework rates.* If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings for each worker employed on piecework during each pay period (such pay period not to be in excess of 2 weeks) shall average for the time involved not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Evidence of compliance.* Each producer subject to the provisions of this section shall keep and preserve, for a period of 2 years following the date on which his application for a Sugar Act payment is filed, such wage records as will fully demonstrate that each worker has been paid in full in accordance with the requirements of this section. The producer shall furnish upon request to the area office records or such other evidence as may satisfy such office that the requirements of this section have been met.

(c) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(d) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the area office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms may be obtained by writing to the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, P.R., 00910. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the area office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The area office shall make such investigation as it deems necessary and shall notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the area office is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the area office, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payment under the act is concerned.

(e) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the area office (1) that the producer has made a full disclosure to the area office or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the area office makes the determination as heretofore provided in this paragraph, such office shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the area office determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of sugarcane on the farm, until such time as evidence required by the area office has been furnished to such office establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the area office's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt register for the total payment made until the area office determines that all workers on the farm have been paid in full: *Provided,* That if the area office determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt register only for the total amount of the unpaid wages.

STATEMENT OF BASES AND CONSIDERATIONS

(A) *General.* The foregoing determination establishes the minimum wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1966, as one of the conditions with which producers must comply to be eligible for payments under the act.

(B) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among the various producing areas.

(C) *1966 wage determination.* This determination continues the wage rates and other provisions of the 1965 determination and includes a provision relating to the withholding of Sugar Act payments in the event workers are not paid wages due them.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on November 8, 1965, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for sugarcane fieldworkers for the calendar year 1966. A representative of

Harvlan, Inc., the largest producer and only processor of sugarcane in the Virgin Islands, recommended that there be no change in the minimum wage provisions of the determination. He based his recommendation on the very low production from the 1965 crop, which he termed "disastrous," and to the unfavorable prospects for the 1966 crop. He presented data showing that the 1965 crop harvest had produced only 4,295 tons of sugar as compared to 15,362 for the previous crop, a decline in production amounting to 72 percent as a direct result of a severe and prolonged drought. He stated that the cane had been damaged further by fires in the dry fields. The witness testified that most fieldwork was performed by imported British West Indies workers who are employed mainly on a piecework basis, and that their hourly earnings exceeded the minimum rates for the class of work performed.

Consideration has been given to the testimony presented at the public hearing, to the economic position of sugarcane producers, and to other pertinent factors. The returns, costs, and profits of the sugarcane producing operations of producers, obtained by field study in prior years, have been recast in terms of prices and conditions likely to prevail during the 1966 crop. The analysis indicates that sugarcane production is profitable only when weather and growing conditions are favorable. During the past year producers have suffered substantial losses in the production of sugarcane. Moreover, present prospects indicate that the 1966 crop also will not be profitable.

After consideration of the factors involved, the wage rates established in this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Sec. 301, 61 Stat. 929 as amended; 7 U.S.C. 1132)

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on January 10, 1966.

Signed at Washington, D.C., on December 30, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-76; Filed, Jan. 4, 1966; 8:47 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 878.18]

PART 878—SUGARCANE; VIRGIN ISLANDS

Fair and Reasonable Prices, 1966 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on November 8, 1965, the following determination is hereby issued:

§ 878.18 Fair and reasonable prices for the 1966 crop of Virgin Islands sugarcane.

A producer of sugarcane in the Virgin Islands who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1966 crop grown by other producers and processed by him at rates not less than those determined in accordance with the following requirements, or at a combined rate of not less than the sum of the rates determined in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to a 96° basis.

(2) "Settlement period" means the 2-week period in which sugarcane is delivered by the producer to the processor. The first such period shall start on Monday of the week grinding commences and successive periods shall start at 2-week intervals thereafter. Odd days at the end of the grinding season shall be included in the preceding period if less than 7 days and if 7 days or more shall constitute a separate settlement period.

(3) "Price of raw sugar" means the simple average of the daily spot quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) for the settlement period, except that, if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(4) "F.O.B. mill price" means the price of raw sugar minus selling and delivery expenses actually incurred by the processor in marketing raw sugar of the 1966 crop.

(5) "Yield of raw sugar" means the quantity of raw sugar recovered per 100 pounds of sugarcane determined for each settlement period in accordance with the following procedure:

(i) A representative sample shall be taken of each producer's daily deliveries of sugarcane during the settlement period and ground by a laboratory power mill. The juice extracted therefrom shall be analyzed for Brix and sucrose content by standard methods of analysis.

(ii) Application shall then be made of the formula, $R=(S-0.3B)\,F$, where:

R=Yield of raw sugar.

S=Sucrose content of the laboratory power mill juice obtained from the sugarcane of each producer.

B=Brix of the laboratory power mill juice obtained from the sugarcane of each producer.

F=Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar" for each producer delivering sugarcane during the settlement period, from the product of the formula $(S-0.3B)$, and the number of hundredweight of sugarcane; and

(b) Divide the pounds of raw sugar, 96° basis, produced and estimated from all sugarcane received and tested during the settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor F.

(iii) In the event any sugarcane was not processed during the settlement period in which it was received and tested, the quantity of sugar produced during such period shall be increased by attributing to such sugarcane an estimated quantity determined by multiplying the number of tons of such unprocessed sugarcane by the average percentage of sugar, 96° basis, that was recovered from all sugarcane processed during such settlement period. The quantity of sugar so estimated shall be deducted from the sugar produced during the subsequent period.

(b) *Payment for sugarcane.* (1) The payment for sugarcane delivered by the producer to the processor during a settlement period shall be calculated on the basis of the f.o.b. mill price for that portion of the raw sugar determined by applying not less than the following applicable percentage to the yield of raw sugar from the producer's sugarcane:

Pounds of raw sugar per 100 pounds of sugarcane	*Percentage*
6.0	53.0
7.0	54.0
8.0	55.0
9.0	56.0
10.0	57.0
11.0	58.0
12.0	59.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(2) The processor shall pay to the producer for each 100 pounds of sugarcane delivered an amount for molasses computed by applying the following applicable percentage to the product of 12.5 cents per gallon and the average number of gallons of blackstrap molasses produced per 100 pounds of sugarcane of the 1965 crop:

Pounds of raw sugar per 100 pounds of sugarcane	*Percentage*
6.0	86.0
7.0	80.0
8.0	74.0
9.0	68.0
10.0	62.0
11.0	56.0
12.0	50.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12

pounds of raw sugar are to be in proportion to the immediately preceding interval.

(c) *Delivery point and transportation allowances.* The price for sugarcane established by this section shall be applicable to sugarcane delivered to the mill. For each 100 pounds of sugarcane delivered to the mill the processor shall make an allowance to the producer for loading and transporting such sugarcane in an amount not less than one-half of the loading and transportation rate applicable to the 1965 crop. The rates and allowances shall be posted at the mill by the processor.

(d) *Reporting requirements.* The processor shall submit in duplicate to the Caribbean Area Agricultural Stabilization and Conservation Service Office, San Juan, P.R., for approval a certified statement itemizing the actual expenses deducted in determining the f.o.b. mill price of raw sugar.

(e) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this determination through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1965 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay, under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1966 Price determination.* This determination continues the provisions of the 1965 crop determination, except that the molasses payment to producers is based on a price of 12.5 cents per gallon instead of 11.5 cents per gallon. This reflects the most recent 5-year average net proceeds received from sales of molasses by processors in Puerto Rico.

A public hearing was held in Christiansted, St. Croix, V.I., on November 8, 1965, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1966 crop of sugarcane. The witness for Harvlan, Inc., the only processor and the largest sugarcane producer on the Island, recommended that the provisions of the 1965 crop determination be continued for the 1966 crop. The witness stated that the company paid producers a higher percentage share of the sugar recovered from 1965 crop sugarcane than required by the fair price determination; that settlement for 1966 crop sugarcane would be made on the same higher percentage share basis; and that the method of determining the molasses price on which the molasses payment to producers is based used in prior years would be satisfactory for the 1966 crop. The witness said that the 1965 crop, one of the worst on record, produced only 4,269 tons of sugar, and that the outlook for the 1966 crop is not favorable. There were no representatives of independent sugarcane producers at the hearing.

Consideration has been given to the recommendations made at the hearing to the returns, costs, and profits of producing and processing sugarcane obtained by field study for prior years, and recast to reflect prospective price and production conditions for the 1966 crop, and to other pertinent factors. Analysis of these data indicates that the sharing relationship provided in this determination is favorable to independent producers.

The provision of prior determinations of relating the price of molasses on which the molasses payments to producers is based to the most recent 5-year average net proceeds from sales of molasses by processors in Puerto Rico is continued. The application of this formula results in an increase of 1 cent per gallon—from 11.5 cents to 12.5 cents—in the molasses pricing basis.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I find and conclude that the foregoing price determination will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

Effective date. January 5, 1966.

ORVILLE L. FREEMAN,
Secretary.

DECEMBER 30, 1965.

[F.R. Doc. 66-77; Filed, Jan. 4, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 194, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.494 (Lemon Regulation 194; 30 F.R. 16063) are hereby amended to read as follows:

§ 910.494 **Lemon Regulation 194.**

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 148,800 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 30, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-108; Filed, Jan. 4, 1966; 8:49 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Holding and Delivery of Reserve Prunes

Pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 30 F.R. 9797), hereinafter referred to collectively as the "order," regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the Prune Administrative Committee has unanimously recommended an amendment of the Subpart—Administrative Rules and Regulations (7 CFR Part 993; 30 F.R. 13310). The subpart is operative pursuant to the order.

Present § 993.157(d) will be amended by revising the basis for computing the amount a handler would be required to pay to the Committee in the event the handler fails to hold for the Committee his total reserve prune holding requirement in any category and fails to rectify such a deficiency with salable prunes. Also, a new paragraph (g) will be added to present § 993.157 authorizing handlers to exchange salable prunes for reserve prunes under conditions and during such period or periods as will permit administrative control by the Committee and preserve equity values on prunes in the reserve pool.

After consideration of all relevant information, including the Committee's recommendation, it is found that the amendment of the Subpart—Adminis-

trative Rules and Regulations, as hereinafter set forth, is in accordance with this part, will tend to effectuate the declared policy of the act, and for the reasons hereinafter set forth, should become effective at the time provided herein.

Therefore, it is hereby ordered, That the Subpart—Administrative Rules and Regulations be amended as follows:

1. Paragraph (d) of § 993.157 is amended by deleting the phrase "the bonding rate established pursuant to § 993.58(b) (1) for prunes of the category in which such deficiency occurs" and the phrase "the applicable exchange value established by the Committee pursuant to paragraph (g) of this section" is substituted in lieu thereof.

2. A new paragraph (g) is added to § 993.157.

Paragraphs (d) and (g) of § 993.157 read as follows:

§ 993.157 Holding and delivery of reserve prunes.

* * * * * *

(d) *Provision in the event of failure to hold reserve prunes in accordance with holding requirement.* In the event a handler fails to hold for the Committee his total reserve prune holding requirement in any category and is unable to rectify such a deficiency with salable prunes, he shall compensate the Committee in an amount computed by multiplying the pounds of natural condition prunes so deficient by the applicable exchange value established by the Committee pursuant to paragraph (g) of this section: *Provided,* That the remedies prescribed herein shall be in addition to, and not exclusive of, any of the remedies or penalties prescribed in the act with respect to noncompliance. The determination of any such deficiency shall include application of any tolerance allowance for shrinkage in weight, increase in the number of prunes per pound, and normal and natural deterioration and spoilage which may then be in effect.

* * * * *

(g) *Exchange of salable prunes for reserve prunes.* The Committee may permit handlers to exchange salable prunes for an equal quantity of reserve prunes of greater value during any period or periods established by the Committee. The exchange values shall be the level of field prices for each grade, size, and variety, or such prices adjusted by the Committee to reflect increases in market value. Any handler desiring to make such an exchange shall submit a certified application to the Committee on Form PAC 7.1 "Application to Exchange Salable Prunes for Reserve Prunes" which shall contain at least the following information: (1) The date and the name and address of the handler; (2) each quantity of salable prunes available for exchange, itemized by grade, size, and variety; (3) the value of each quantity of such salable prunes and their total value; (4) each quantity of reserve prunes desired to be exchanged, itemized by grade, size, and variety; (5) the value of each quantity of such reserve prunes and their total value; and (6) the difference in value, which difference is to be paid to the Committee. A handler submitting an application to the Committee shall not make any exchange until he has paid the Committee the difference in value between the prunes exchanged and has received the written approval of the Committee to make the exchange.

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making the provisions hereof effective upon publication in the FEDERAL REGISTER and not postponing the effective time until 30 days after such publication (5 U.S.C. 1003 (a) and (c)) in that: (1) This action would provide the means whereby a handler may exchange salable prunes for reserve prunes and thereby adjust his salable supply to reflect his sales requirements; (2) the exchange would permit an adjustment in handler inventories in circumstances where an increase in the salable tonnage of prunes is not warranted by a release of reserve prunes; (3) this action thereby would be a means of relieving restrictions on handlers; and (4) this action was unanimously recommended by the Committee, representing both producers and handlers, and handlers require no additional advance notice to comply therewith.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated December 30, 1965, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–106; Filed, Jan. 4, 1966; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION AND ANIMAL PRODUCTS

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

SUBCHAPTER G—ANIMAL BREEDS

SUBCHAPTER H—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Under authority delegated at 29 F.R. 16210, as amended, the provisions in Subchapters B, C, D, E, G, and H of Chapter I, Title 9, Code of Federal Regulations, are hereby amended in the following respects pursuant to the statutory authorities under which such provisions were issued:

1. Wherever in Parts 51, 52, 53, 54, 55, and 56 of Subchapter B, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Disease Eradication Division" appears, the name "Animal Health Division" is substituted therefor.

2. Wherever in Parts 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, and 83 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Disease Eradication Division" appears, the name "Animal Health Division" is substituted therefor.

3. Wherever in Part 76 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Disease Eradication Division" or "Animal Inspection and Quarantine Division" appears, the name "Animal Health Division" is substituted therefor; except that where the name "Animal Inspection and Quarantine Division" appears in §§ 76.4(b), 76.5(b), and 76.7(b), the name "Veterinary Biologics Division" is substituted therefor.

4. Wherever in Part 91 of Subchapter D, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Disease Eradication Division" or "Animal Inspection and Quarantine Division" appears, the name "Animal Health Division" is substituted therefor.

5. Wherever in Parts 92, 94, 95, 96, and 97 of Subchapter D, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Inspection and Quarantine Division" appears, the name "Animal Health Division" is substituted therefor.

6. Sections 122.1, 122.2, and 122.3 of Part 122, Subchapter E, Chapter I, Title 9, Code of Federal Regulations, are renumbered §§ 122.2, 122.3, and 122.4, respectively.

7. A new § 122.1 is added to Part 122 of Subchapter E, Chapter I, Title 9, Code of Federal Regulations, to read as follows:

§ 122.1 Definitions.

The following words, when used in the regulations in this Part 122, shall be construed, respectively, to mean:

(a) *Department.* The U.S. Department of Agriculture.

(b) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(c) *Division.* The Animal Health Division of the Department.

(d) *Director.* The Director of the Division or any officer or employee of the Division to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(e) *Organisms.* All cultures or collections of organisms or their derivatives, which may introduce or disseminate any contagious or infectious disease of animals (including poultry).

(f) *Vectors.* All animals (including poultry) such as mice, pigeons, guinea

pigs, rats, ferrets, rabbits, chickens, dogs, and the like, which have been treated or inoculated with organisms, or which are diseased or infected with any contagious, infectious, or communicable disease of animals or poultry or which have been exposed to any such disease.

(g) *Permittee.* A person who resides in the United States or operates a business establishment within the United States, to whom a permit to import or transport organisms or vectors has been issued under the regulations.

(h) *Person.* Any individual, firm, partnership, corporation, company, society, association, or other organized group of any of the foregoing, or any agent, officer, or employee of any thereof.

8. Wherever in Part 151 of Subchapter G, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Inspection and Quarantine Division" appears, the name "Animal Health Division" is substituted therefor.

9. Wherever in Part 156 of Subchapter H, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Inspection and Quarantine Division" appears, the name "Animal Health Division" is substituted therefor.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

These amendments are of an organizational nature. They merely reflect the consolidation of certain functions of the Animal Inspection and Quarantine Division in the Animal Disease Eradication Division, and the redesignation of the latter division as the Animal Health Division. Such amendments make no substantive change in the regulations. Accordingly, it is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure regarding the amendments are unnecessary, and good cause is found for making the amendments effective in less than 30 days after publication thereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of December 1965.

E. P. REAGAN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 66-40; Filed, Jan. 4, 1966; 8:45 a.m.]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Pursuant to authority delegated (29 F.R. 16210, as amended, 30 F.R. 5801 and ——) under the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151 et seq.), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 851 et seq.), Subchapter E of Chapter I, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. The introductory portion of § 101.1 of Part 101 is amended to read:

§ 101.1 Definitions.

The following words, when used in the regulations in this part and Parts 102 through 121 of this subchapter, shall be construed, respectively, to mean:

* * * * *

2. Wherever in Parts 101, 102, 120, 123, and 131 of Subchapter E, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Inspection and Quarantine Division" appears, the name "Veterinary Biologics Division" is substituted therefor.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

These amendments are of an organizational nature. They merely reflect the transfer of certain functions of the Animal Inspection and Quarantine Division to a new division known as the Veterinary Biologics Division, and the abolishment of the former division. Such amendments make no substantive change in the regulations. Accordingly, it is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure regarding the amendments are unnecessary and good cause is found for making the amendments effective less than 30 days after publication thereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of December 1965.

E. P. REAGAN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 66-39; Filed, Jan. 4, 1966; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6230; Amdt. 39-175]

PART 39—AIRWORTHINESS DIRECTIVES

Marvel-Schebler Models MA-3, -3A, -3SPA, -4SPA, -4-5, -4-5AA and -6 Carburetors

Amendments 39-11 (29 F.R. 16317), AD 64-27-2, as amended by Amendments 39-37 (30 F.R. 2134) and 39-91 (30 F.R. 8034) requires inspection, parts replacement, installation of the positive retraction float valve assembly, and safetying of the bowl screws by the use of safety wire on Marvel-Schebler Models MA-3, -3A, -3SPA, -4SPA, -4-5, -4-5AA and -6 carburetors. A proposal to amend AD 64-27-2 to shorten the compliance time of the AD was published in 30 F.R. 13786.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-11 (29 F.R. 16317), AD 64-27-2, as amended by Amendments 39-37 (30 F.R. 2134) and 39-91 (30 F. R. 8034), is further amended as follows:

The compliance statement is amended to read as follows:

Compliance required at the next periodic inspection or when the carburetor is removed or disassembled, whichever occurs first after the effective date of this amendment.

This amendment becomes effective February 3, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on December 27, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 66-55; Filed, Jan. 4, 1966; 8:46 a.m.]

[Docket No. 7032; Amdt. 39-176]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 720 and 720B Series Airplanes

Amendment 39-161 (30 F.R. 14649), AD 65-27-1, as amended by Amendments 39-170 (30 F.R. 15417) and 39-172 (30 F.R. 15566), requires inspection, and repair where necessary, of the wing upper surface skin on Boeing Model 720 and 720B Series airplanes. Subsequent to the issuance of Amendment 39-172, the Agency has determined that the X-ray inspection required by paragraph (e) of the AD need not be accomplished on airplanes with less than 8,800 hours' time in service. Therefore, the AD as amended is superseded by a new AD that incorporates all previous amendments and specifies an increased compliance time for certain X-ray inspection requirements.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Models 720 and 720B Series airplanes.

Compliance required as indicated.

To prevent further cracking in the wing upper surface skin, accomplish the following:

(a) For airplanes with less than 10,000 hours' time in service on the effective date of this AD, comply with paragraph (c) before the accumulation of 10,300 hours' time in service, unless accomplished after the accumulation of 9,700 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection.

(b) For airplanes with 10,000 or more hours' time in service on the effective date of this AD, comply with paragraph (c)

within the next 300 hours' time in service after the effective date of this AD, unless accomplished within the last 300 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection.

(c) Inspect the wing upper surface skin for cracks in accordance with Paragraph 3, Part I, 'Inspectoin Data" of Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision.

(d) If cracks are detected during the inspections required by paragraph (c), before further flight, accomplish an X-ray inspection of the area from stringer No. 8 to the rear spar on both wings in accordance with "Process Data" included in Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) For airplanes with less than 7,000 hours' time in service on the effective date of this AD, comply with paragraph (g) before the accumulation of 8,800 hours' time in service, unless accomplished after the accumulation of 6,800 hours' time in service, and thereafter at intervals not to exceed 2,000 hours' time in service from the last inspection.

(f) For airplanes with 7,000 or more hours' time in service on the effective date of this AD, comply with paragraph (g) within the next 1,800 hours' time in service after the effective date of this AD, unless accomplished within the last 200 hours' time in service, and thereafter at intervals not to exceed 2,000 hours' time in service from the last inspection.

(g) Accomplish an X-ray inspection of all concealed areas on each wing in accordance with "Process Data" included in Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision, or by an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(h) If a crack is detected during the inspections conducted in accordance with paragraphs (c), (d), or (e), before further flight, repair the skin crack, in accordance with Paragraph 3, Part II, "Interim Repair Data", or Part III, "Permanent Repair Data", Boeing Service Bulletin No. 2309, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. Cracks repaired in accordance with Interim Repair Data shall be inspected: at intervals not to exceed 35 hours' time in service until the Part III Permanent Repair is accomplished if the repaired cracks are visible or, if X-ray inspection is required and the cracks are 1.25 inches in length or greater; or, at intervals not to exceed 150 hours' time in service until the Part III Permanent Repair is accomplished if the repaired cracks are concealed, X-ray inspection is required, and the cracks are less than 1.25 inches in length. When the Part III Permanent Repair has been accomplished, the repetitive inspections required by this AD may be discontinued.

(i) Upon request of an operator, an FAA maintenance inspector with prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals required by the AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This supersedes Amendment 39-161 (30 F.R. 14649), AD 65-27-1, as amended by Amendments 39-170 (30 F.R. 15417) and 39-172 (30 F.R. 15566).

This amendment becomes effective January 5, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on December 30, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-80; Filed, Jan. 4, 1966; 8:48 a.m.]

[Airspace Docket No. 65-CE-134]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On November 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 13877) stating that the Federal Aviation Agency proposed to change the effective hours of the operation of the Chicago, Ill. (Meigs Airport) control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., December 24, 1965, as hereinafter set forth:

In § 71.171 (29 F.R. 17581) the Chicago, Ill. (Meigs Airport) control zone is amended to read:

CHICAGO, ILL. (MEIGS AIRPORT)

Within a 3-mile radius of Meigs Airport (latitude 41°51'30" N., longitude 87°36'30" W.) from 0600 to 2400 hours, local time, daily.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on December 17, 1965.

FRANCIS E. UNTI,
Acting Director, Central Region.

[F.R. Doc. 66-56; Filed, Jan. 4, 1966; 8:46 a.m.]

[Airspace Docket No. 65-CE-128]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On October 20, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 13329) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Livingston, Mont., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth:

In § 71.181 (29 F.R. 17643) the following transition area is added:

LIVINGSTON, MONT.

That airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Livingston VORTAC 150° and 330° radials, extending from 7 miles SE to 14 miles NW of the VORTAC; and within a 12-mile radius of the Livingston VORTAC, extending from the 261° VORTAC radial clockwise to the 085° VORTAC radial.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on December 21, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-57; Filed, Jan. 4, 1966; 8:46 a.m.]

[Airspace Docket No. 65-CE-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of VOR Federal Airway Segment; Correction

On December 11, 1965, F.R. Doc. 65-13246 was published in the FEDERAL REGISTER (30 F.R. 15321) and Item c. amended V-430 to read "V-430 from Williston, N. Dak., to Minot, N. Dak. From Devils Lake, N. Dak., to Grand Forks, N. Dak.,' effective March 3, 1966. This action should have amended V-430 to include an additional segment from Duluth, Minn., to Escanaba, Mich. Corrective action is taken herein.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and the effective date originally adopted may be retained.

In consideration of the foregoing, F.R. Doc. 65-13246, Item c. is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

c. V-430 is amended to read as follows:

V-430 From Williston, N. Dak., to Minot, N. Dak. From Devils Lake, N. Dak., to Grand Forks, N. Dak. From Duluth, Minn., via Ironwood, Mich.; Iron Mountain, Mich.; to Escanaba, Mich.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on December 27, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 66-58; Filed, Jan. 4, 1966; 8:46 a.m.]

[Airspace Docket No. 65-SW-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Alexandria, La. (England AFB), control zone to eliminate the controlled airspace based on the England AFB TACAN. This action is necessary due to the decommissioning of the TACAN. Since this amendment is less restrictive in nature and imposes no additional burden on any

person, notice and public procedures hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (30 F.R. 8676) the Alexandria, La. (England AFB), control zone is amended to read:

ALEXANDRIA, LA. (ENGLAND AFB)

That airspace within a 5-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within 2 miles each side of the 318° bearing from the Alexandria RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Alexandria VORTAC 151° and 331° radials extending from the 5-mile radius zone to 2.5 miles SE of the VORTAC; within 2 miles each side of the 329° radial of the Alexandria VORTAC, extending from the 5-mile radius zone to 14 miles NW of the VORTAC; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 6 miles NW of the airport; within 2 miles each side of the extended centerline of Runway 18, extending from the 5-mile radius zone to 5.5 miles N of the airport, and within 2 miles each side of the extended centerline of Runway 36 extending from the 5-mile radius zone to 6.5 miles S of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Fort Worth, Tex., on December 28, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 66-59; Filed, Jan. 4, 1966; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-97]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Subpart L—Procedure for the Processing of Undocketed Section 412 Contracts and Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1965.

Section 412 of the Act (72 Stat. 770) provides that every air carrier shall file with the Board a true copy of certain types of contracts or agreements affecting air transportation between such air carrier and any other carrier. It further provides that the Board shall disapprove any such contract or agreement that it finds adverse to the public interest and shall approve any such contract or agreement that it does not find to be adverse to the public interest.

Many section 412 contracts and agreements are processed by the Board informally and without a docketed proceeding. However, each section 412 contract or agreement upon being filed with the Board receives a CAB contract number for identification. Although the present Rules of Practice in Economic Proceedings (14 CFR Part 302) provide that comments in undocketed agreement matters may be submitted in letter form, they do not otherwise set forth the Board procedures utilized in the processing of such undocketed section 412 contracts or agreements.[1] The Board is therefore amending its Rules of Practice in Economic Proceedings (Part 302) to set forth therein the essential procedures applicable to the processing of such undocketed section 412 contracts or agreements, and these procedures are set forth in a new Subpart L to Part 302.

The amendment will also clarify the scope of Part 302 as set forth in Rule 1(a) of the Board's Rules of Practice in Economic Proceedings (14 CFR 302.1 (a)). Existing Rule 1(a) states, inter alia, that Part 302 shall govern the conduct of all economic proceedings before the Board whether instituted by order of the Board or by the filing with the Board of an application, complaint, or petition. While it was the Board's intention to make Part 302 applicable to the processing of all section 412 contracts and agreements, and this is evident from Rule 4(d)(2) which, in part, expressly provided for the filing of informal comments concerning section 412 agreements which have not been docketed, nevertheless, for purposes of clarification, we are amending Rule 1(a) to expressly state that the part governs the processing of all section 412 contracts and agreements, whether docketed or undocketed.

Since this amendment is a rule of procedure that merely affirms and standardizes existing practice, notice and public procedure thereon are not required and the amendment may become effective upon less than 30 days' notice.

Accordingly, the Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) effective December 30, 1965, as follows:

1. By modifying the introductory paragraph of § 302.1(a) to read as follows:

§ 302.1 Applicability and description of part.

(a) *Applicability.* This part governs the conduct of all economic proceedings before the Board whether instituted by order of the Board or by the filing with the Board of an application, complaint, petition, or a section 412 contract or agreement. This part also contains the Board's delegation to hearing examiners pursuant to Reorganization Plan No. 3 of 1961 of the Board's function to render the agency decision in certain cases, subject to discretionary review by the Board. The provisions of Part 263 of this chapter of the Economic Regulations are applicable to participation of air carrier associations in proceedings under this part. However, there are exceptions to the applicability of this part with respect to two classes of proceedings:

* * * * *

2. By amending § 302.4(d)(2) by adding a footnote at the end thereto so that the subparagraph reads as follows:

§ 302.4 General requirements as to documents.

* * * * *

(d) *Prohibition of certain documents.* No document which is subject to the general requirements of this subpart concerning form, filing, subscription, service or similar matters shall be filed with the Board or an examiner unless:

* * * * *

(2) Such document complies with each of the requirements of §§ 302.3 and 302.8, and is submitted as a formal application, complaint, petition, motion, answer, pleading, or similar paper rather than as a letter, telegram, or other informal written communication: *Provided, however,* That for good cause shown, pleadings of any public body or civic organization may be submitted in the form of a letter: *Provided further,* That comments concerning section 412 agreements, which have not been docketed, may be submitted in the form of a letter.[2]

* * * * *

3. By amending the table of contents of Part 302 by adding a new Subpart L, the title of which reads as follows:

Subpart L—Procedure for the Processing of Undocketed Section 412 Contracts and Agreements

4. By adopting a new Subpart L, effective December 30, 1965, which will be applicable to all undocketed section 412 contracts and agreements. This subpart will read as follows:

Subpart L—Procedure for the Processing of Undocketed Section 412 Contracts and Agreements[3]

Sec.
302.1201 Applicability.
302.1202 Public file.
302.1203 Notice to the public.
302.1204 General requirements.
302.1205 Service requirements.
302.1206 Filing of comments.
302.1207 Procedure for docketing.
302.1208 Staff action.
302.1209 Board action.

AUTHORITY: The provisions of this Subpart L issued under secs. 204(a), 412, and 1001 of the Federal Aviation Act of 1958, 72 Stat. 743, 770, 788; 49 U.S.C. 1324, 1382, 1481; sec. 3 of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002.

§ 302.1201 Applicability.

This subpart sets forth the specific rules applicable to the processing of section 412 contracts and agreements which have not been docketed. After receipt by the Board of a section 412 contract or agreement, the Director, Bureau of Operating Rights, shall assign a CAB contract number to such document. The processing of a docketed section 412 contract or agreement shall, to the extent applicable, be governed by the other subparts of this part. An un-

[1] Rule 4(d)(2) of the Board's Rules of Practice in Economic Proceedings (14 CFR 302.4(d)(2)).

[2] See Subpart L, § 302.1206 providing for the filing of comments with respect to undocketed section 412 agreements.

[3] Certain section 412 contracts and agreements are docketed immediately upon receipt by the Board, e.g., IATA rate conference agreements and amendments thereto.

docketed agreement which is subsequently docketed shall thereafter be processed as a docketed proceeding.

§ 302.1202 Public file.

The Director, Bureau of Operating Rights, shall maintain a public file with respect to every undocketed section 412 contract or agreement. The public file shall be available for inspection in the Bureau's public file room. If a section 412 contract or agreement is thereafter docketed with the Board's Docket Section, the public file thereon, if any, shall thereupon be consolidated into the docket which shall be available for public inspection at the Docket Section of the Board (see § 302.1207, infra).

§ 302.1203 Notice to the public.

Notice of the filing of section 412 contracts and agreements is provided in a weekly publication of the Board entitled "Agreements Filed with the Civil Aeronautics Board under Section 412(a)." Subscription to this publication may be obtained by complying with the provisions of Part 389 of this chapter (CAB Organization Regulations). In the event that an undocketed section 412 contract or agreement is thereafter docketed, notice of such docketing is given in a weekly publication of the Board entitled "Applications and/or amendments thereto filed with the Civil Aeronautics Board during the week ending _____." Subscription to this publication also may be obtained as outlined above in this section.

§ 302.1204 General requirements.

The requirements of Part 261 of this chapter shall apply to all section 412 contracts and agreements.

§ 302.1205 Service requirements.

Except as the Director, Bureau of Operating Rights, may otherwise prescribe in particular cases, there is no requirement that section 412 contracts or agreements be served on other parties. The provisions of Subpart A of this part with respect to service shall be complied with to the extent applicable.

§ 302.1206 Filing of comments.[4]

Interested persons may file comments and/or reply comments with respect to undocketed section 412 contracts or agreements. In particular cases where the Director, Bureau of Operating Rights, may prescribe, comments and/or reply comments shall be served upon each party to a section 412 contract or agreement to which the comments appertain, and the service provisions of Subpart A of this part shall be complied with. In the absence of a Board order prescribing time limits, comments and/or reply comments in undocketed cases may be filed at any time prior to approval or disapproval of the agreement.

§ 302.1207 Procedure for docketing.

When the Director, Bureau of Operating Rights, or the Board determines that a section 412 contract or agreement should be docketed, the Director shall transmit the public file thereon to the Board's Docket Section to be incorporated in the docket (see § 302.1202, supra.)

§ 302.1208 Staff action.

When the Director, Bureau of Operating Rights, takes action under delegated authority approving or disapproving an undocketed section 412 contract or agreement, and, thereafter, a petition for review of staff action is filed pursuant to Subpart C of Part 385 of this chapter (CAB Organization Regulations), he shall concurrently with the receipt of a duly filed petition for review, forward the public file on such contract or agreement to the Board's Docket Section for docketing.[5]

§ 302.1209 Board action.

When the Board issues an order taking final action with respect to any undocketed section 412 contract or agreement, petitions for reconsideration of such order may be filed by interested persons by following the procedure set forth in § 302.37.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 66-99; Filed, Jan. 4, 1966; 8:49 a.m.]

[4] See § 302.4(d)(2), supra, as to form of comments.

[5] See § 385.13(p) of the Board's Organization Regulations (14 CFR 385.13(p)).

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 10]

PART 384—GENERAL ORDERS

Export of Certain Commodities to Rhodesia

Part 384, General Orders, is amended by adding a new § 384.8 to read as follows:

§ 384.8 Export of certain commodities to Rhodesia.

Effective 12:01 a.m., e.s.t., December 28, 1965, exportation to Rhodesia of the following commodities requires a validated export license:

33210	Gasoline, and gasoline blending agents.
33220	Kerosene.
33230	Distillate fuel oils.
33240	Residual fuel oils.
33250	Lubricating oils and greases (petroleum based and synthetic).
33261	Petroleum jelly (petrolatum).
33262	Microcrystalline wax; and paraffin wax, crystalline.
33291	Naphtha, mineral spirits, solvents and other finished light petroleum products.
33291	Other aliphatic naphthas.
33291	Insulating or transformer oils; quenching and cutting oils; and white mineral oils.
33291	Other non-lubricating and non-fuel petroleum oils.
33292	Pitch from coal tar distillation; and pitch from petroleum refining.
33293	Pitch coke.
33294	Petroleum coke.
33295	Petroleum asphalt and petroleum asphalt products; and petroleum and shale oil residues.
33296	Bituminous mixtures, based on asphalt, petroleum, etc.
57140	Shotgun shells, and parts.
59999	Liquids for hydraulic transmission, containing less than 70 percent by weight of petroleum or shale oils.
59999	Other hydraulic fluids, oils, and lubricants, petroleum or synthetic based.
89430	Shotguns, and parts.

Shipments of commodities removed from general license to Rhodesia as a result of this amendment which were on dock for lading, or laden aboard an exporting carrier prior to 12:01 a.m., e.s.t., December 28, 1965, may be exported under the previous general license provisions up to and including January 4, 1966. Any such shipment not laden aboard the exporting carrier on or before January 4, 1966, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 66-98; Filed, Jan. 4, 1966; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Promotional Assistance—Publisher Payments to Single Reseller of Publisher's Periodical

§ 15.12 Promotional assistance—Publisher payments to a single reseller of the publisher's periodical.

(a) The Federal Trade Commission advised a publisher of a periodical that the proposed promotional assistance plan described below would be violative of section 2(d) of the Robinson-Patman amendment to the Clayton Act. Section 2(d) provides in essence that it is unlawful for a supplier in interstate commerce to offer promotional assistance to his customer in reselling the supplier's product unless a proportionally equal offer also is made to the customer's competitors who sell the same product.

(b) Essentially, the proposed plan provided for a payment of $75 weekly to the operator of a chain of newsstands. In return, the operator would (1) place the publication on sale on the newsstands, (2) submit daily sales reports to the publisher for each newsstand, (3) favorably display the publication on the

stands and (4) provide stock control to avoid sellouts.

(c) The plan was deemed violative of section 2(d) because it was to be offered only to the one operator of newsstands. Under the plan, his competitors in selling the publication were not to be offered promotional assistance—proportional or otherwise.

(d) The Commission's Guides for Advertising Allowances discuss the requirements for such promotional assistance plans in considerable detail and will be of assistance to persons contemplating their use.

(38 Stat. 717, as amended; 15 U.S.C. 41–58: 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: January 4, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66–81; Filed, Jan. 4, 1966; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Radioactivity Concentrations in Air and Water

Correction

In F.R. Doc. 65–13621 appearing at page 15801 in the issue for Wednesday, December 22, 1965, the fifth paragraph of the first column in the table set forth in item 3 now reads: "If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 240, and Bk 249 are not present". It is corrected to read: "If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 241, and Bk 249 are not present".

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34–7776]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Insider Trading; Exemption of Certain Transactions

On October 13, 1965, in Securities Exchange Act Release No. 7723 (30 F.R. 13458), the Securities and Exchange Commission published for comment a proposed amendment to Rule 16b–3 (17 CFR 240.16b–3) which would exclude from the phrase "exercise of an option, warrant, or right," contained in the parenthetical clause of the first paragraph of the rule, certain events, which might otherwise be deemed to fall within such phrase, which occur in the operation of a cash supplemental compensation plan under which a recipient of an award may elect to defer the payment of such award until after the termination of his employment and also elect to receive such deferred payment in stock, rather than in cash.

Section 16(b) of the Act was enacted for the purpose of discouraging the unfair use of information in short-term trading by beneficial owners of more than ten percent of a class of equity security registered pursuant to section 12 of the Act and officers and directors of the issuer of such a security. Section 16(b) provides that profits realized by such persons from the purchase and sale, or sale and purchase, of any equity security, whether or not registered, of the issuer, within a period of less than six months, inure to and are recoverable by or on behalf of the company. Rule 16b–3 provides an exemption from section 16(b) for acquisitions of shares of stock (other than stock acquired upon the exercise of an option, warrant or right) acquired by an officer or director pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings or similar plan, if such plan meets the conditions specified in the rule. The rule also exempts the acquisition of a "qualified" or a "restricted" stock option pursuant to a qualified or a restricted stock option plan, and a stock option pursuant to an "employee stock purchase plan" as defined in the rule.

After review and consideration of the comments received on the proposal set forth in Release No. 7723, the Commission has determined to adopt the amendment, as hereinafter described.

The amendment is designed to remove from the phrase "exercise of an option, warrant or right" an election to receive a cash award, the payment of which is to be deferred until after termination of employment, in stock or stock credits in the amount or number of shares which could be purchased with the cash at the time of the election. As proposed such an election would be excluded from the phrase "exercise of an option, warrant, or right" only if it were made in advance of the conferring of the award. As adopted, a second condition has been added which requires that the election be irrevocable until at least six months after termination of employment.

Issuers contemplating converting a supplemental compensation or similar plan which has heretofore been operated on a cash basis to one offering an election to defer payment in stock or stock credits should be aware of the fact that the staff of the Commission is presently studying the applicability of the Securities Act of 1933 and the Investment Company Act of 1940 to employee stock purchase plans and that it is possible that such study may lead to a change in the Commission's present views as to the status of such plans under these Acts.

Commission action. Section 240.16b–3 of Title 17 of the Code of Federal Regulations is amended by adding a new subparagraph (3) to paragraph (d) to read as follows:

§ 240.16b–3 Exemption from section 16(b) of acquisitions of shares of stock and stock options under certain stock bonus, stock option or similar plans.

* * * * *

(d) * * *

(3) The term "exercise of an option, warrant or right" contained in the parenthetical clause of the first paragraph of this rule shall not include (i) the making of any election to receive under any plan an award of compensation in the form of stock or credits therefor, provided that such election is made prior to the making of the award, and provided further that such election is irrevocable until at least six months after termination of employment; (ii) the subsequent crediting of such stock; (iii) the making of any election as to a time for delivery of such stock after termination of employment, provided that such election is made at least six months prior to any such delivery; (iv) the fulfillment of any condition to the absolute right to receive such stock; or (v) the acceptance of certificates for shares of such stock.

(Secs. 16 and 23; 48 Stat. 896 and 901, as amended; 15 U.S.C. 78p and 78w)

The Commission finds that the provisions of subsection 4(c) of the Administrative Procedure Act regarding postponement of the effective date are inapplicable inasmuch as the foregoing amendments grant or recognize exemptions or relieve restrictions and, therefore, that the rule may be made effective upon publication thereof on December 23, 1965. The foregoing action is taken pursuant to the Securities Exchange Act of 1934, as amended, particularly section 16(b) and 23(a) thereof.

By the Commission, December 23, 1965.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 66–72; Filed, Jan. 4, 1966; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148b—AMPHOTERICIN

Amphotericin B Cream

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the antibiotic drug regulations for amphotericin are amended to provide for the certification of amphotericin B cream by adding to Part 148b the following new section:

§ 148b.5 Amphotericin B cream.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Amphotericin B cream

is composed of amphotericin B, with or without one or more suitable and harmless emollients, perfumes, dispersants, and preservatives, in a suitable and harmless cream base. It contains 30 milligrams of amphotericin B in each gram. The amphotericin B used conforms to the standards prescribed by § 148b.1(a)(1) (i), (ii), (v), (vi), and (vii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The amphotericin B used in making the batch for potency, amphotericin A content, pH, residue on ignition, and identity.

(*b*) The batch for potency.

(ii) Samples required:

(*a*) Amphotericin B used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each consisting of 5 grams.

(4) *Fees.* $4.00 for each package or immediate container in the samples submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay; potency.* Accurately weigh a suitable sample and transfer to a 250-milliliter Erlenmeyer flask. Shake the sample with 100 milliliters of dimethyl sulfoxide until dissolved. Proceed as directed in § 148b.1(b)(1). The amphotericin B content is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of milligrams of amphotericin B per gram that it is represented to contain.

The new antibiotic drug covered by this order has been determined to be safe and efficacious for use, conditions prerequisite to its certification under the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act, and I find that it would not be in the best interests of the public and the affected industry to delay this antibiotic drug's manufacture and use for the period of time required for notice and public procedure and delayed effective date. *Therefore, it is ordered,* That the regulations included in this document shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: December 27, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-102; Filed, Jan. 4, 1966; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3909]

[New Mexico 0196118]

NEW MEXICO

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of February 28, 1918, which established Stock Driveway Withdrawal No. 9, New Mexico No. 3, as heretofore modified, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 2 S., R. 5 W.,
Sec. 26, W½NE¼, NW¼;
Sec. 27, N½;
Sec. 33, N½, N½S½, S½SW¼;
Sec. 35, S½NE¼, S½;
Sec. 36, W½E½, S½NW¼, SW¼.

T. 3 S., R. 5 W.,
Sec. 2, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 3, lot 1, SE¼NE¼, E½SW¼, SE¼;
Sec. 6, lots 10 and 11;
Sec. 7, lots 5, and 10 to 20, incl.;
Secs. 8, 9 and 10;
Sec. 11, W½E½, W½;
Sec. 14, W½E½, W½;
Sec. 15, lots 1 to 16, incl.;
Sec. 16;
Sec. 17, lots 1 to 8, incl., E½;
Sec. 18, lots 5 to 20, incl.

T. 3 S., R. 6 W.,
Sec. 1, lots 1 to 4, incl., S½NW¼;
Sec. 3, NW¼SW¼, S½S½;
Sec. 4, S½;
Sec. 7, lot 3, SE¼, E½SW¼;
Sec. 8, S½;
Sec. 9, S½;
Sec. 10, S½;
Sec. 11, S½;
Sec. 12 S½;
Secs. 13 and 14;
Sec. 15, N½, NE¼SE¼;
Sec. 16, N½, NW¼SW¼;
Sec. 17, N½, NE¼SW¼, SE¼;
Sec. 18, NE¼NE¼.

T. 3 S., R. 7 W.,
Sec. 7, lot 4, SE¼SW¼, S½SE¼;
Sec. 8, S½S½;
Sec. 9, SW¼SW¼;
Sec. 10, NE¼SE¼, S½SE¼;
Sec. 11, S½;
Sec. 12, NW¼SE¼, SW¼;
Sec. 13, NW¼NW¼;
Sec. 14, N½, SW¼, NW¼SE¼;
Sec. 15, E½, E½W½, SW¼NW¼, W½SW¼;
Sec. 16, NW¼NE¼, N½NW¼, S½N½, N½S½;
Sec. 17;
Sec. 18, lots 1 to 4, incl., E½W½, E½.

T. 3 S., R. 8 W.,
Sec. 7, lots 1, 4, N½NE¼, NE¼NW¼, SE¼SW¼, S½SE¼;
Sec. 8, N½N½, S½S½;
Sec. 9, N½N½, S½S½;
Sec. 10, N½N½, S½S½;
Sec. 11, N½N½, S½S½;
Sec. 12, N½N½, S½S½;
Sec. 13, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 15, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 18, lots 1 to 4, incl., E½W½, E½;
Sec. 19, lots 1 to 4, incl., E½W½, E½.

T. 2 S., R. 9 W.,
Sec. 19, N½NE¼ and SW¼SE¼;
Sec. 20, N½, NE¼SW¼, and SE¼;
Sec. 21, S½NW¼ and S½;
Sec. 22, S½SW¼ and SW¼SE¼;
Sec. 27;
Sec. 28, N½, NE¼SW¼, and SE¼;
Sec. 29, NE¼NE¼, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 30, E½;
Sec. 33, NE¼NE¼, SW¼NW¼, SW¼, and S½SE¼;
Sec. 34, N½ and NW¼SE¼.

T. 3 S., R. 9 W.,
Sec. 3, NW¼SW¼, S½SW¼;
Sec. 10, W½NE¼, NW¼, S½;
Sec. 11, W½SE¼, SW¼;
Sec. 12, N½N½, S½S½;
Sec. 13;
Sec. 14, W½E½, W½;
Secs. 15 and 22;
Sec. 23, W½E½, W½;
Secs. 24 and 25;
Sec. 26, N½NW¼, S½;
Sec. 27, N½N½, S½;
Sec. 28, N½N½, SE¼SE¼, W½SE¼, SW¼;
Sec. 29, N½N½, S½;
Sec. 30, lots 1, 3, 4, N½NE¼, NE¼NW¼, E½SW¼, SE¼.

T. 2 S., R. 10 W.,
Sec. 10, SW¼, W½SE¼, and SE¼SE¼.

T. 3 S., R. 10 W.,
Sec. 25, N½N½, SW¼SW¼, E½SW¼, SE¼;
Sec. 26, N½, SW¼, NW¼SE¼;
Sec. 34, N½, SW¼, NW¼SE¼;
Sec. 35, E½NE¼, SW¼NE¼, SW¼SW¼, E½SW¼, SE¼, NW¼NW¼.

T. 4 S., R. 10 W.,
Sec. 3, lots 1, 4, S½NE¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 4, lots 1 to 4, incl., S½N½, S½S½;
Sec. 5, lots 1 to 4, incl. S½N½, SE¼SW¼, S½SE¼;
Sec. 6, lots 1 to 5, incl., SE¼NW¼, S½NE¼, SE¼SW¼, SW¼SE¼.

T. 4 S., R. 11 W.,
Sec. 1, lots 1 to 4, incl., S½N½, N½S½, S½SW¼, SW¼ SE¼;
Sec. 11, N½, N½S½, S½SW¼, SW¼ SE¼;
Sec. 12, N½NW¼, SW¼NW¼, SE¼ NE¼, SE¼SW¼, SE¼;
Sec. 14, N½NW¼, SW¼NW¼, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 19, lots 1 to 8, incl., and 13 to 16, incl., NE¼, S½SE¼;
Sec. 20, N½ and S½S½;
Sec. 21, N½ and S½S½;
Sec. 22, SE¼NE¼, N½NW¼, SW¼NW¼, S½SW¼ and SE¼;
Sec. 30, lots 1 to 16, incl., E½.

T. 4 S., R. 12 W.,
Sec. 24, NE¼, SE¼NW¼, S½;
Secs. 25 to 28, incl.;
Sec. 29, NE¼, SE¼NW¼, S½;
Sec. 30, lots 2, 3, and 4, SE¼NW¼, E½SW¼, S½SE¼.

T. 4 S., R. 13 W.,
Secs. 25 and 26;
Sec. 27, E½, SE¼NW¼, NE¼SW¼;
Sec. 28, N½, N½S½;
Sec. 29, N½, N½S½;
Sec. 30, lots 3 and 4, NE¼NE¼, NE¼SW¼.

T. 4 S., R. 14 W.,
Sec. 25, S½;
Sec. 26, S½;
Sec. 27, S½;
Sec. 28, S½;
Sec. 29, S½;
Sec. 30, lots 3 and 4, E½SW¼, SE¼;
Sec. 32, N½;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, N½N½.

T. 4 S., R. 15 W.,
Sec. 25, SE¼, E½SW¼, SW¼SW¼,
Sec. 26.
The areas described aggregate 52,183.68 acres in Socorro and Catron Counties.

The lands extend from the railhead at Magdalena, N. Mex., westward along U.S. Highway 60 to Datil, thence southwesterly to a point 8 miles west of Horse Springs. Topography ranges from flat to hilly. Vegetation consists chiefly of a grass cover with species of grama and other grasses. Soils vary from deep to shallow silt loams.

2. Until 10 a.m. on June 29, 1966, the State of New Mexico shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852) After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 29, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRY R. ANDERSON,
Assistant Secretary of the Interior

DECEMBER 28, 1965.

[F.R. Doc. 66-45; Filed, Jan. 4, 1966; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Yazoo National Wildlife Refuge, Miss.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations upland game; for individual wildlife refuge areas.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Yazoo National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. This open-area, comprising 2,800 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of raccoons subject to the following special conditions:

(1) The open season for hunting raccoons on the refuge extends from January 24 through January 29, 1966.

(2) The use of guns and dogs is permitted. Shotguns only may be used.

(3) Fires are not permitted, nor the cutting of trees.

(4) A Federal permit is required to enter the public hunting area. Permits may be obtained by applying in person at refuge headquarters between the hours of 7 a.m. and 4 p.m., Monday through Friday.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 29, 1966.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-43; Filed, Jan. 4, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 27]

[Bureau of Mines Schedule 32A]

METHANE-MONITORING SYSTEMS

Procedures for Investigation, Tests, and Certification

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in section 5 of the Act of May 16, 1910 (36 Stat. 370; 30 U.S.C. sec. 7), as amended, and section 212(a) of the Act of July 16, 1952 (66 Stat. 709; and 30 U.S.C. 482(a)), it is proposed to revise the regulations issued as Part 27 of Chapter I, Title 30, Code of Federal Regulations. The current regulations were adopted on November 23, 1961 (26 F.R. 10969).

The purposes of the proposed revision are to: (1) Update the regulations to reflect technological advancements in the design and construction of methane-monitoring systems, (2) redefine the requirements for a power-shutoff device to operate at the machine to be controlled rather than at the outby end of the trailing cable or at the power-distribution center, (3) remove the requirement for a 2-minute delay before energizing of a cable(s) to a machine(s) controlled by a methane-monitoring system after a shutdown caused by methane detection, (4) remove the methane-monitoring requirement for reserve capacity to operate independently for approximately 4 hours when power is not on the machine which it controls, and (5) restate the increases in fees to reflect increases in costs of investigation, tests, and certification, which were adopted when published in the March 23, 1965, issue of the FEDERAL REGISTER (30 F.R. 3752).

In accordance with the policy of the Department of the Interior, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision of the regulations to the Director, Bureau of Mines, Interior Building, Washington, D.C., 20240, within 30 days after the date of publication in the FEDERAL REGISTER.

WALTER R. HIBBARD, Jr.,
Director, Bureau of Mines.

DECEMBER 28, 1965.

Part 27 of Chapter I of Title 30 would read as follows:

Subpart A—General Provisions

Subpart B—Construction and Design Requirements

Subpart C—Test Requirements

AUTHORITY: The provisions of this Part 27 issued under sec. 5, 36 Stat. 370, as amended, and sec. 212(a), 66 Stat. 709; 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, and secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 27.1 Purpose.

The regulations in this part set forth the requirements for methane-monitoring systems to procure certification for their incorporation in permissible equipment that is used in gassy mines and tunnels; procedures for applying for such certification; and fees.

§ 27.2 Definitions.

As used in this part:

(a) "Bureau" means the U.S. Bureau of Mines.

(b) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, or assembles and that seeks certification or preliminary testing of a methane-monitoring system.

(c) "Methane-monitoring system" means a complete assembly of all the components of a system required for detecting the presence of methane in the atmosphere of a mine, tunnel, or other underground workings, and includes a power-shutoff device.

(d) "Methane-monitoring detector" means a component of a methane-monitoring system that is designed to function in a gassy mine, tunnel, or other underground workings, which will sample the atmosphere continuously to detect methane.

(e) "Power-shutoff device" means a component of a methane-monitoring system, such as a relay, switch, or switching mechanism, that will open or block a control circuit to deenergize a machine, equipment, or power circuit when activated by the methane-monitoring detector.

(f) "Flammable mixture" means a mixture of gas, such as methane, natural gas, or similar hydrocarbon gas, with normal air, that will propagate flame or explode violently when ignited.

(g) "Gassy mine or tunnel" means a mine, tunnel, or other underground workings in which a flammable mixture has been ignited, or has been found with a permissible flame safety lamp, or has been determined by chemical analysis to contain 0.25 percent or more (by volume) of such mixture in any open workings when tested at a point not less than 12 inches from the roof, face, or rib.

(h) "Letter of certification" means a formal document issued by the Bureau stating that a methane-monitoring system or component or subassembly thereof: (1) Has met the requirements of this part, and (2) is certified for incorporating in permissible equipment that is used in gassy mines and tunnels.

(i) "Component" means a part of a methane-monitoring system that is essential to its operation as a certified assembly.

(j) "Explosion proof" means that a component or group of components (subassembly) is so constructed and protected by an enclosure and/or flame arrester(s) that, if a flammable mixture of gas is ignited within the enclosure, it will withstand the resultant pressure without damage to the enclosure and/or flame arrester(s). Also the enclosure and/or flame arrester(s) shall prevent the discharge of flame or ignition of any flammable mixture that surrounds the enclosure.[1]

(k) "Normal operation" means that each component as well as the entire assembly of the methane-monitoring system performs the functions for which it was designed.

(l) "Flame arrester" means a device so constructed that it will prevent propagation of flame or explosion from an enclosure to the surrounding atmosphere.

(m) "Intrinsically safe equipment and circuitry" means equipment and circuitry that are incapable of releasing enough electrical or thermal energy under normal or abnormal conditions to cause

[1] Explosion-proof components or subassemblies shall be constructed in accordance with the requirements of Part 18 of this subchapter.

ignition of a flammable mixture of the most easily ignitible composition.

(n) "Fail safe" means that the circuitry of a methane-monitoring system shall be so designed that electrical failure of a certain component(s) will result in deenergizing all circuits of the methane-monitoring system and the operating circuits of the machine or equipment on which it is installed.

§ 27.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Branch of Electrical-Mechanical Testing, 4800 Forbes Avenue, Pittsburgh, Pa., 15213, to discuss with qualified Bureau personnel proposed methane-monitoring systems to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 27.4 Applications.

(a) No investigation or testing for certification will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by all drawings, specifications, descriptions, and related materials and also a check, bank draft, or money order, payable to the U.S. Bureau of Mines, to cover the fees. The application and all related matters and correspondence concerning it shall be addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213, Attention: Chief, Branch of Electrical-Mechanical Testing.

(b) Drawings, specifications, and descriptions shall be adequate in detail to identify fully all components and subassemblies that are submitted for investigation, and shall include wiring and block diagrams. All drawings shall be designated by title and number, and shall show the latest revision.

(c) For a complete investigation leading to certification, the applicant shall furnish all necessary components and material to the Bureau. The Bureau reserves the right to require more than one of each component or subassembly for the investigation. Spare parts and expendable components, subject to wear in normal operation, shall be supplied by the applicant to permit continuous operation during test periods. The applicant shall furnish special tools necessary to assemble or disassemble any component or subassembly for inspection or test.

(d) The applicant shall submit a plan of inspection of components at the place of manufacture or assembly before incorporation in permissible equipment. If such inspection is recorded on a factory-inspection form, the applicant shall furnish to the Bureau a copy of such factory-inspection form or equivalent with the application. The form shall direct attention to the points that must be checked to make certain that all components or subassemblies of the complete assembly are in proper condition, complete in all respects, and in agreement with the drawings, specifications, and descriptions filed with the Bureau.

(e) The applicant shall furnish to the Bureau complete instructions for operating and servicing components. After completion of the Bureau's investigation, if any revision of the instructions is required, a revised copy thereof shall be submitted to the Bureau for inclusion with the drawings and specifications.

§ 27.5 Letter of certification.

(a) Upon completion of investigation of a methane-monitoring system, or components or subassembly thereof, the Bureau will issue to the applicant either a letter of certification or a written notice of disapproval, as the case may require. If a letter of certification is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on the methane-monitoring system upon which a notice of disapproval has been issued.

(b) A letter of certification will be accompanied by an appropriate cautionary statement specifying the conditions to be observed for operating and maintaining the methane-monitoring system and to preserve its certified status.

§ 27.6 Certification of components.

Manufacturers of components may apply to the Bureau to issue a letter certifying to the suitability of such components. To qualify for certification, electrical components shall conform to the prescribed inspection and test requirements and the construction thereof shall be adequately covered by specifications officially recorded and filed with the Bureau. Certification letters may be cited to fabricators of equipment intended for use in a certified methane-monitoring system as evidence that further inspection and test of the components will not be required.

§ 27.7 Certification plate or label.

A certified methane-monitoring system or component thereof shall be identified with a certification plate or label which is attached to the system or component in a manner acceptable to the Bureau, and the method of attachment shall not impair the explosion-proof characteristics of any enclosure. The plate or label shall be of serviceable material, acceptable to the Bureau, and shall contain the following inscription with spaces for appropriate identification of the component and assigned certificate number:

Model or Type No._____
(Name)
Certified as complying with the applicable requirements of Schedule _____.
Certificate No._____

§ 27.8 Fees.

(a) Detailed inspection—each assembled component	$60
(b) Explosion testing—each explosion-proof enclosure	70
(c) Each series of tests to determine adequacy of design, materials, and/or construction	105
(d) Tests to determine safe operation and performance of a complete methane-monitoring system	$200
(e) Tests to determine intrinsic safety	105
(f) Final examination and recording of drawings and specifications requisite to issuing a letter of certification	110
(g) Examining and recording drawings and specifications requisite to issuing an extension of certification, each 4 hours or fraction thereof	35

(h) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $200 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.

If an applicant is unable to determine the exact fee that should be submitted with his application, the information will be provided upon request, addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213, Attention: Chief, Branch of Electrical-Mechanical Testing. Any surplus from a fee submitted in excess of requirements will be refunded to the applicant upon completion or termination of the investigation or tests.

§ 27.9 Date for conducting tests.

The application, payment of necessary fees, and submission of required material will determine the order of precedence for testing when more than one application is pending and the applicant will be notified of the date on which tests will begin.

NOTE: If a complete assembly, component, or subassembly fails to meet any of the requirements, it may lose its order of precedence. However, if the cause of failure is corrected, testing will be resumed after completing such other test work as may be in progress.

§ 27.10 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a letter of certification, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features, nor shall it disclose any details of drawings, specifications, descriptions, or related materials. After the issuance of a letter of certification, the Bureau may conduct such public demonstrations and tests of the certified methane-monitoring system for gassy mines and tunnels as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons

shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by the Bureau, the applicant shall provide assistance in assembling or disassembling components or subassemblies for testing, preparing components or subassemblies for testing, and operating the system during the tests.

§ 27.11 Extension of certification.

If an applicant desires to change any feature of a certified system, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certification, requesting that the existing certification be extended to cover the proposed changes and shall be accompanied by drawings, specifications, and related data, showing the changes in detail.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified system or component or subassembly will be required. The Bureau will inform the applicant whether testing is required; the component, subassembly, and related material to be submitted for that purpose; and the fee.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of revised drawings and specifications to be added to those already on file with the Bureau.

§ 27.12 Withdrawal of certification.

The Bureau reserves the right to rescind for cause any certification issued under this part.

Subpart B—Construction and Design Requirements

§ 27.20 Quality of material, workmanship, and design.

(a) The Bureau will test only equipment that, in its opinion, is constructed of suitable materials, is of good quality workmanship, is based on sound engineering principles, and is safe for its intended use. Since all possible designs, arrangements, or combinations of components cannot be foreseen, the Bureau reserves the right to modify the construction and design requirements of components or subassemblies and tests to obtain the same degree of protection as provided by the tests described in Subpart C of this part.

(b) Unless otherwise noted, the requirements stated in this part shall apply to explosion-proof and intrinsically-safe circuits and enclosures.

(c) All components and subassemblies shall be designed and constructed in a manner that will not create an explosion or fire hazard.

(d) All assemblies or enclosures—explosion-proof or intrinsically safe—shall be so designed that the temperatures of the external surfaces, during continuous operation, do not exceed 302° F (150° C.) at any point.

(e) Glass lenses or globes shall be protected against damage by guards or location.

(f) If the Bureau determines that an explosion hazard can be created by breakage of a bulb with incandescent filament(s), the bulb mounting shall be so constructed that the bulb will be ejected when the bulb glass is broken.

NOTE: Other methods that provide equivalent protection against explosion hazards may be considered satisfactory.

§ 27.21 Methane-monitoring system.

(a) A methane-monitoring system shall be so designed that any machine or equipment, which is controlled by the system, cannot be operated unless the methane-monitoring system is functioning.

(b) A methane-monitoring system shall be rugged in construction so that its operation will not be affected by vibration or physical shock, such as normally encountered in mining operations.

(c) Insulating materials that give off flammable or explosive gases when decomposed electrically shall not be used within enclosures where they might be subjected to destructive electrical action.

(d) An enclosure shall be equipped with a lock, seal, or acceptable equivalent when the Bureau deems such protection necessary for safety.

(e) A component or subassembly of a methane-monitoring system shall be constructed as a package unit or otherwise in a manner acceptable to the Bureau. Such components or subassemblies shall be replaceable or removable without creating an ignition hazard.

(f) The complete system shall "fail safe" in a manner acceptable to the Bureau.

§ 27.22 Methane-monitoring detector.

(a) The methane-monitoring-detector component shall be suitably constructed for incorporation in permissible equipment that is operated in gassy mines and tunnels.

(b) The methane-monitoring detector shall be designed to include:

(1) A method of continuous sampling of the atmosphere in which it functions.

(2) An automatic warning device (audible or colored light signal), which shall function automatically when the methane content (by volume) of the atmosphere is between 1.0 and 1.5 percent.

(3) A method for activating a power-shutoff component, which shall function automatically when the methane content (by volume) of the atmosphere is 2.0 percent or more.

(4) Means for sampling at one or more points as may be necessary for the particular type of approved (permissible) equipment with which it is to be incorporated.

(5) A suitable filter on the sampling intake to prevent dust and moisture from entering and interfering with normal operation.

NOTE: This requirement for the detector may be waived if the design is such as to preclude the need of a filter.

§ 27.23 Power-shutoff component.

The power-shutoff component shall be designed to include:

(a) An automatic means to deenergize the machine or equipment when activated by the methane-monitoring detector at a methane concentration of 2 percent or more in the mine atmosphere.

(1) For an electric-powered machine or equipment energized by means of a trailing cable, the power-shutoff component shall be capable of opening or or blocking a control circuit to shut down the machine or equipment on which it is installed; or of opening a control circuit to deenergize both the machine or equipment and the trailing cable, when activated by the methane detector.

(2) For a battery-powered machine or equipment, the methane-monitor power-shutoff component shall be capable of opening the control circuit and deenergizing the machine or equipment as near as possible to the battery terminals.

(3) For a diesel-powered machine or equipment, the prime mover shall be shut down and all electrical components deenergized.

(b) An arrangement for testing the power-shutoff characteristic to determine whether the power-shutoff component is functioning properly.

Subpart C—Test Requirements

§ 27.30 Inspection.

A detailed inspection shall be made of the equipment and all components and functions related to safety in operation, which shall include:

(a) Examining materials, workmanship, and design to determine conformance with paragraph (a) of § 27.20.

(b) Checking components and subassemblies against the drawings and specifications to verify conformance with the requirements of this part.

§ 27.31 Testing methods.

A methane-monitoring system shall be tested to determine its functional performance, and its explosion-proof and other safety characteristics. Since all possible designs, arrangements, or combinations cannot be foreseen, the Bureau reserves the right to make any tests or to place any limitations on equipment, or components or subassemblies thereof, not specifically covered herein, to determine the safety of such equipment with regard to explosion and fire hazards.

§ 27.32 Tests to determine performance of the system.

(a) *Laboratory tests for reliability and durability.* Five hundred successful[2] consecutive tests for gas detection, alarm, and power shutoff in natural gas-air mixtures[3] shall be conducted to demonstrate acceptable performance as to reliability and durability of a methane-

[2] Normal replacements and adjustments shall not constitute a failure.

[3] Investigation has shown that, for practical purposes, natural gas (containing a high percentage of methane) is a satisfactory substitute for pure methane in these tests.

monitoring system.[4] The tests shall be conducted as follows:

(1) With the detecting component in a test gallery, natural gas shall be admitted at various rates and slight turbulence created for proper mixing with the air in the gallery. To comply with the requirements of this test, the detector shall activate an alarm at a predetermined percentage of gas and also activate the power shutoff at a second predetermined percentage of gas. (See §§ 27.22 and 27.23.)[5]

(b) *Field tests.* The Bureau reserves the right to conduct tests, similar to those stated in paragraph (a) of this section, in underground workings to verify reliability and durability of a methane-monitoring system.

§ 27.33 Tests to determine explosion-proof construction.

Components and subassemblies, which require explosion-proof construction, shall be tested in accordance with the procedures stated in Part 18 of this subchapter.

§ 27.34 Test for intrinsic safety.

Components or subassemblies that are designed for intrinsic safety shall be tested by introducing into the circuit thereof a circuit-interrupting device, which shall be placed in a gallery containing various flammable natural gas-air mixtures. To meet the requirements of this test, the component or subassembly shall not ignite the flammable mixture. For this test the circuit-interrupting device shall be operated not less than 100 times at 125 percent of the normal operating voltage of the particular circuit.

§ 27.35 Tests to determine life of critical components and subassemblies.

Replaceable components shall be subjected to appropriate life tests.

§ 27.36 Test for adequacy of electrical insulation and clearances.

When the operating voltage of any component, subassembly, or complete assembly is 220 volts, or more, such component, subassembly, or complete assembly shall be subjected to a potential test of twice the rated operating voltage for one minute. To meet the requirements, no flash-over shall occur during this test.

§ 27.37 Tests to determine adequacy of safety devices for bulbs.

The glass envelope of bulbs shall be broken with the bulbs burning in flammable natural gas-air mixtures in a gallery to determine that the safety device will prevent ignition of the mixtures.

[4] It is recommended that the methane-monitoring detector be supplemented by a meter calibrated in percent methane.

[5] At the option of the Bureau, these tests will be conducted with dust or moisture added to the atmosphere within the gallery.

§ 27.38 Tests to determine adequacy of windows and lenses.

(a) *Impact tests.* A 4-pound cylindrical weight with a 1-inch diameter spherical striking surface will be dropped (free fall) to strike the glass of a window or lens at or near the center. Three of four samples shall withstand the impact according to the following table:

Overall lens diameter, inches	*Height of fall (4 lb. weight) inches*
Less than 4	6
4 to 5	9
5 to 6	15
Greater than 6	24

(b) *Thermal shock tests for glass.* Four samples of the window or lens will be heated in an oven for 15 minutes to a temperature of 293° F. (145° C.) and immediately upon withdrawal of the samples from the oven they will be immersed in water having a temperature between 59° F. (15° C.) and 68° F. (20° C.) Three of the four samples shall show no defect or breakage from this thermal-shock test.

§ 27.39 Tests to determine resistance to vibration.

Components or subassemblies that are to be mounted on permissible equipment shall be subjected to two separate vibration tests, each of 1-hour duration. The first test shall be conducted at a frequency of 30 cycles per second with a total movement per cycle of 1/16 inch. The second test shall be conducted at a frequency of 15 cycles per second with a total movement per cycle of 1/8 inch. Components and subassemblies shall be secured to the vibrating equipment in their normal operating positions (with shock mounts, if so provided), and each component or subassembly shall function normally during and after each vibration test.

NOTE: The vibrating equipment is designed to impart a circular motion in a plane inclined 45° to the vertical or horizontal.

§ 27.40 Test to determine resistance to dust.

Components or subassemblies, whose normal functioning might be affected by combustible dust, such as coal dust, shall be tested in an atmosphere containing an average concentration (50 million minus 40 micron particles per cubic foot) of such dust for a continuous period of 4 hours. The component or subassembly shall function normally after being subjected to this test.

§ 27.41 Test to determine resistance to moisture.

Components or subassemblies, whose normal functioning might be affected by moisture, shall be tested in atmospheres of high relative humidity (80 percent or more at 65°–75° F.) for a continuous period of 4 hours. The component or subassembly shall function normally after being subjected to this test.

[F.R. Doc. 66-46; Filed, Jan. 4, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1068]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Termination of Proceedings To Suspend Certain Provision of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) notice was issued by the Deputy Administrator, Regulatory Programs, on December 8, 1965, that suspension of a certain provision of the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area was being considered.

The provision proposed to be suspended by petitioning cooperative associations which would have prevented the transfer of bases was the following:

In § 1068.77(b) the words "and may be transferred from such producer to another producer: *Provided,* That all deliveries of milk by a producer who has transferred his base to another producer shall be excess milk until July 1 next following such transfer," relating to the transfer of bases between producers.

Interested persons were invited to submit to the Department not later than December 20, 1965, written data, views or arguments in connection with the proposed suspension. On the basis of the views received from interested parties it is determined that a suspension of the provision is not warranted.

It is found and determined, therefore, that the proposed suspension of the aforesaid provision of the order relating to the transfer of bases between producers should not be effectuated; and the proceeding begun in this matter on December 8, 1965, is hereby terminated.

Signed at Washington, D.C., on December 29, 1965.

ROY W. LENNARTSON,
Acting Administrator.

[F.R. Doc. 66-79; Filed, Jan. 4, 1966; 8:47 a.m.]

[7 CFR Part 1130]

[Docket No. AO-259-A12]

MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions

to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area, which was issued December 16, 1965 (30 F.R. 15744), is hereby extended to January 20, 1966.

Signed at Washington, D.C., on December 29, 1965.

ROY W. LENNARTSON,
Acting Administrator.

[F.R. Doc. 66-105; Filed, Jan. 4, 1966; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 23, 25, 27, 29]

[Docket No. 7095; Notice No. 65-43]

AIRWORTHINESS STANDARDS FOR AIRPLANES AND ROTORCRAFT

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Parts 23, 25, 27, and 29 as hereinafter set forth.

Interested persons are invited to participate in the making of these proposals by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 5, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

1. *Combustion heater control requirements.* Sections 23.859, 25.859, 27.859, and 29.859 would be amended to clarify, without changing, the conditions under which the "means independent of the components provided for the normal continuous control of combustion heater air temperature, airflow, and fuel flow" must be provided. The intent of this requirement is to require independent means of control when any one of the listed conditions exists.

2. *Engine and propeller manufacturer's vibration information.* New §§ 23.906, 25.906, 27.906, and 29.906 would be added to require the applicant, if requested by the Administrator, to obtain from the engine or propeller manufacturer all information that that manufacturer can supply to show compliance with the present engine and propeller vibration rules for aircraft type certification. These rules require only a showing of safe vibration characteristics. None of these rules requires the generation of new engine and propeller vibration data to account for vibration conditions that result from the combination of specific engines, propellers, and airframes. It has long been recognized that the engine or propeller manufacturer is an essential source of post-certification information concerning his product. This is particularly true in the field of vibration because of the potentially wide range of vibration modes that may not be foreseeable during engine or propeller type certification. If necessary information is not available from the engine or propeller manufacturer, the engine and propeller vibration requirements would be administered to allow substantiation by any means satisfactory to the Administrator. If this proposal is adopted, the present reference in § 23.907 to the propeller manufacturer would be surplus, and would be deleted accordingly.

3. *Turbine engine thrust reversing control requirements.* Section 25.933 would be amended to prohibit any turbine engine thrust reverser from allowing unwanted forward thrust. There have been hazardous incidents involving loss of directional control of turbojet-powered airplanes, on the ground, caused by thrust reverser malfunctions that allowed forward thrust to be developed by one engine while the remaining engines produced reverse thrust.

4. *Turbine engine powerplant operating characteristics.* Section 25.939 would be amended to require that negative acceleration loads will not cause hazardous turbine powerplant malfunctions. Three major turbine characteristics make this proposal necessary. First, the turbine has no continuous ignition source. It is therefore important that fuel flow be sustained in order to prevent flameouts and the need for restarts. Second, high speed increases the probable negative acceleration loads caused by gusts and by maneuvering. Third, complex turbine fuel system components are sensitive to negative acceleration loads. Section 25.939 would also be amended to require that the vibration characteristics of critical turbine engine components will not be adversely affected in normal operation. Turbine engines are vibration tested throughout their normal operating ranges as a part of their type certification under Part 33. However, as mentioned in paragraph 2 of this preamble, the combination of specific engines and airframes can introduce unforeseen vibration problems. This proposal, and the requirement now in § 25.939, are in response to problems affecting turbine engines generally, not only transport category airplanes. It is therefore further proposed to add new §§ 27.939 and 29.939 containing the requirements in this proposal and in present § 25.939. Future amendment of Part 23 to accommodate turbines is receiving separate study by the Agency.

5. *Turbine engine fuel flow requirements.* Section 25.955(b) would be amended to require, in certain cases, uninterrupted fuel flow to turbine engines if the tanks supplying those engines are depleted of fuel. Section 25.955(b) requires that, if an engine can feed from more than one tank, the fuel system must supply full fuel pressure to that engine in not more than 20 seconds upon switching to any other tank after depletion of the fuel supply in any tank from which that engine can be fed. For reciprocating engines, interrupted fuel flow can be secured simply by switching tanks, because reciprocating engines have continuous ignition sources. For turbine engines, however, the "apparent malfunction" caused by interrupted fuel flow would probably be a flameout. Interrupted fuel flow should therefore not be permitted for turbine engine fuel systems.

The potential hazards associated with flameouts also require that manual fuel tank switching be precluded for turbine engine fuel systems. Manual switching requires fuel monitoring by the flight crew. Fuel monitoring is not precise enough, at the lower limits of usable tank capacity, to ensure uninterrupted fuel flow under all conditions. It is therefore proposed to amend § 25.955(b) to require that the means for ensuring uninterrupted fuel flow be automatic.

6. *Fuel system hot weather operation.* Section 25.961 would be amended to require that fuel system hot weather operating capability be shown up to the maximum operating altitude established as an operating limitation, and to limit the climb airspeed of turbine engine powered airplanes to that established for climbing to the maximum operating altitude. The present terminal test altitude is defective in two respects. For turbine engine powered airplanes, it has no meaning whatsoever, since it refers to § 25.67, which does not "specify" any configuration for turbines. For both turbine and reciprocating engine powered airplanes, this altitude at best provides only an arbitrary cutoff point for checking the fuel system for the effects of changing altitude upon fuel flow. The most important of these effects is vapor lock. Vapor lock may occur at altitudes greater than the terminal test altitude now derived under § 25.961. Its chief cause is a rate of climb great enough to force gases in hot fuel to boil out fast enough to restrict fuel passages. When Part 4b was promulgated, rates of climb above the altitudes derived under § 25.961 (4b.417) were generally not great enough to cause vapor lock. Now, however, the available rates of climb, especially for turbine engine powered airplanes, are in many cases great enough to make vapor lock a significant problem at the higher altitudes. The Agency believes that the fuel system must be proven satisfactory up to the maximum altitude established as an operating limitation, under test conditions closely duplicating operational conditions most conducive to vapor lock. Section 25.961 (a)(4) now requires climb airspeeds allowing compliance with the minimum climb requirement in § 25.65(a). This does not allow representative vapor lock investigations for turbine engine powered airplanes because the operational rates of climb may greatly exceed the specified minimum. To ensure that the test rates of cilmb for these airplanes will be those most conducive to vapor lock in actual operation (namely, the highest expected rates of climb), § 25.961(a)(4) would be amended to limit the present

language to reciprocating engine powered airplanes and to require that the test climb airspeed for turbine engine powered airplanes be no greater than the airspeed established by the applicant for climb to the maximum operating altitude.

7. *Fuel tank tests.* Section 25.965 would be amended to eliminate the requirement that certain fuel tanks undergo vibration test frequencies of 0.9 times the maximum continuous engine speed, and to require a test frequency of 2,000 c.p.m. instead. This factor, being related to engine speed, is inappropriate since it suggests that the purpose of the test is to substantiate specific tank-engine combinations. This is not the case. The purpose of § 25.965 is simply to substantiate the integrity of the fuel tank itself. Further, the impact of the factor 0.9 upon tanks in turbine engine powered airplanes, when coupled with the required test amplitude of vibration ($\frac{1}{32}$ inch), is unduly severe since turbine engine maximum continuous r.p.m. values are so great. A test frequency of 2,000 c.p.m. has been shown to be adequate for testing the integrity of the tank itself.

8. *Fuel tank expansion space.* Section 25.969 would be amended to describe the means of preventing the inadvertent filling of the required fuel tank expansion space in pressure fueling systems. For those systems, the primary means of preventing the inadvertent fueling of the expansion space is generally an automatic shut-off valve. As a consequence of the hazards of fuel system overpressurization caused by failure of this means, the Agency believes that this primary means of compliance should be specified in the rule and that the rule should require that the probability of failure of this primary means be reduced by providing a means to check its proper operation before each fueling plus a means at the fueling station to provide indication of failure of this primary means.

9. *Fuel tank outlet for turbines.* Section 25.977 would be amended to require that fuel tank outlet strainers in turbine fuel systems be fine enough in mesh to prevent the passage of any object that could restrict fuel flow or damage fuel system components, and to require that an alternate means be provided in turbine engine powered airplanes to provide uninterrupted fuel flow if the main strainer configuration or mesh size could result in ice accumulation. This proposal would further require that the means for ensuring uninterrupted fuel flow provide a level of fuel system component protection equal to that provided by the main screen. These proposals are considered to be necessary because of the following characteristics of turbine engine powered airplanes. First, those airplanes carry a greater total fuel quantity than reciprocating engine powered airplanes and can therefore carry a greater quantity of water in solution than that carried in reciprocating engine powered airplanes. Second, turbine engine fuels have a greater affinity for water than do aviation gasolines, so that the potential percentage of water in solution is greater than for reciprocating engine powered airplanes. Third, the turbine engine powered airplane spends a greater portion of its flight time at freezing altitudes. For these reasons, the mesh sizes now allowed in § 25.977 may permit screen ice buildups in turbine fuel systems sufficient to cause fuel stoppage.

10. *Pressure refueling.* Section 25.979 would be amended to extend its applicability to all pressure refueling systems (not only under-wing), to eliminate the reference to the position of the fuel access cover plate, and to more fully describe the means of preventing damaging overfueling prescribed in paragraph (b) of that section.

Paragraph (a) of § 25.979 requires each "under-wing" fuel tank connection to have means to prevent the escape of hazardous quantities of fuel if the fuel entry valve malfunctions "while the cover plate is removed." When former § 4b.428 (§ 25.979) was first promulgated, the overpressurization hazards associated with pressure refueling systems occurred mainly in under-wing fueling systems. In recent years, however, these hazards have also occurred in other pressure refueling systems. Further, it has also become apparent that the position of the cover plate may, in certain aircraft, be irrelevant with respect to the danger of fuel spillage if the fuel entry valve malfunctions, and that the hazard that § 25.979(a) is designed to prevent may exist even with the cover plate installed.

Section 25.979(b) now requires that a means, in addition to the normal means for limiting tank content, be installed to prevent tank damage if the normal means fails. The applicability of paragraph (b) to pressure fueling systems, like that of paragraph (a), depends on the nature of the hazard, not on the location of the fuel entry valve. Experience has shown that the hazard of overpressurization can be eliminated by providing alternate fuel pressure relief means capable or handling the greatest fueling rates and pressures for which the fueling system is designed. Section 25.979(b) would be amended accordingly.

One further change would be made to § 25.979(b). The present requirement to install a "means, in addition to the normal means for limiting the tank content" was intended to apply a failsafe concept to the hazard of overpressurization. The "normal means" is the means of preventing inadvertent filling of the fuel tank expansion space prescribed in § 25.969. This is generally a fuel shut-off valve. The means "in addition to" the normal means is generally a similar valve designed to function if the first should fail. These valves frequently employ common elements whose failure could cause the malfunction of both valves simultaneously. The failsafe concept is therefore not being carried out to the extent necessary for safety. To correct this condition, the "normal means" for limiting tank content would be required to be designed to allow a check of its proper operation, and the backup means now in § 25.979(b) would be required to be accomplished either by sizing of the vents to accommodate damaging overpressures or by an overflow valve with similar capabilities.

11. *Fuel system lightning protection.* A new § 25.981 would be added to require approval of each fuel system with respect to protection against the ignition of fuel vapors by lightning and associated phenomena. For several years, special conditions have been applied to minimize the probability of such ignition. The use of these special conditions has revealed certain areas in which the most effective lightning protection may be obtained. Proposed § 25.981 would specify these areas.

12. *Fuel temperature.* New § 25.1003 would establish a maximum temperature, inside fuel tanks, in order to prevent fuel autoignition. For turbine fuels, 400° F. appears to be a realistic value giving adequate protection without an unnecessarily large margin of safety since their autoignition temperatures are approximately 430° F. For aviation gasoline, 400° F. appears to be a necessary limiting temperature since, although controlled test conditions yield values as high or higher than 800° F., aviation gasoline can have high autoignition temperature several hundred degrees lower by varying certain test conditions, such as environmental pressure or fuel oxygen content. This proposal is in response to the present practice of installing heat generating or conducting components inside fuel tanks.

13. *Powerplant cooling system requirements.* Section 25.1041 would be amended to require that powerplant cooling provisions maintain safe temperatures after engine shutdown. Experience has shown that residual powerplant heat can cause temperatures after shutdown higher than those experienced during engine operation, since normal powerplant cooling ceases upon shutdown.

14. *Powerplant controls.* Section 25.1141 would be amended to require that no probable failure or combination of failures of any powerplant control system may jeopardize the safe operation of the airplane. This proposal would implement the requirement of safe operation between overhauls (§ 25.901) by requiring that the need for system redundancy, alternate devices, and duplication of functions be determined in the design of all powerplant control systems. Experience has shown that safety requires the application of the failsafe concept to these systems.

15. *Reverse pitch and propeller pitch settings below the flight regime.* Section 25.1155 would be broadened to cover propeller pitch settings below the flight regime. Propeller pitch control systems that cause drag through the use of pitch settings lower than the flight low pitch limit have come into wide use. Experience has shown that the high discing drag induced by these systems can have the same effect as reverse thrust, and that their controls should therefore be designed to the same standards as reverse thrust controls. It is therefore proposed to require that it be impossible to "inadvertently" operate any control for pro-

ducing propeller pitch settings lower than the flight low pitch limit. A relaxing change would also be made to § 25.1153(b). That paragraph requires the positive prevention of propeller feathering during normal operation. The standard should be the same for all controls used to produce abnormal propeller pitch settings. The prevention of the "inadvertent" use of these controls is a sufficient standard. Section 25.1153(b) would be amended accordingly.

16. *Nacelle areas containing flammable fluid lines.* Paragraph (c) of § 25.1181 would be deleted, and the provisions now in that paragraph would be amended as follows: First, the cross-reference to § 25.863 would be deleted because (1) the remaining cross-references provide adequate fire protection for the portion of the aircraft now covered by § 25.1181(c), and (2) the cross-reference to § 25.863 has caused confusion since that section applies, on its face, only to situations involving the likelihood of fluid system leakage whereas the likelihood of such leakage should not control the applicability of the fire protection provisions intended to be applied under present § 25.1181(c). Second, provisions now in paragraph (c) of § 25.1181 would be rephrased to make it clear that the sections referred to in that paragraph apply even though the portion of the aircraft covered by that paragraph is not a designated fire zone. Certain of these referenced sections apply on their face to designated fire zones only. Literal interpretation of these requirements would defeat the intent of the cross-references, which is to give the nacelle area immediately behind the firewall certain fire protective features required in designated fire zones. Third, the applicability of present paragraph (c) of § 25.1181 to "the nacelle area immediately behind the firewall" would be broadened to include the area that serves the same purpose on airplanes with pod-mounted turbine engines. For these airplanes, the portion of the pod attach structure that contains flammable fluid lines serves the same purpose as the nacelle area immediately behind the firewall on other airplanes, and should be similarly regulated.

Finally, the provisions now in paragraph (c) of § 25.1181, together with the amendments in this proposal, would be separated from the rest of § 25.1181 and designated as new § 25.1182. The purpose of § 25.1181 is to cover designated fire zones. The areas covered by present § 25.1181(c) and this proposal share certain requirements with, but are not, designated fire zones.

17. *Lines and fittings.* Subparagraph (b)(1) of §§ 23.1183, 25.1183, 27.1183, and 29.1183 would be amended to make it clear that the specified inapplicability of paragraph (a) of those sections to "lines and fittings forming an integral part of an engine" is not intended to relieve those components from any substantive requirement but rather to expedite aircraft type certification by not requiring duplication of engine certification standards already met under Part 33.

18. *Powerplant instruments.* Section 25.1305 would be amended to require, for each air turbine engine starter not designed for continuous use, a means to indicate to the flight crew when that starter is energized. For these starters, overspeed conditions can result from continued energization after engine starting is accomplished. Overspeeding may cause overheating and hazardous disintegration of high-energy rotating parts. These hazards are not present in the case of starters designed to remain continuously engaged with the engine.

19. *Operating procedures (aircraft flight manual).* Sections 23.1585, 25.1585, 27.1585, and 29.1585 would be amended to require that the approved part of the aircraft flight manual identify each operating condition in which fuel system independence is necessary for safety, and contain instructions for placing the fuel system in a configuration allowing compliance with §§ 23.953, 25.953, 27.953, and 29.953 (which require that fuel system failures that affect one engine may not affect the remaining engines). No regulation implements these design requirements by requiring that the operating conditions under which isolation is necessary for safety be identified or by requiring instructions for placing the fuel system in an independent configuration. Lack of such information comprises the intent of the rules regarding fuel system independence.

In consideration of the foregoing, it is proposed to amend Subchapter C of Chapter I of Title 14 of the Code of Federal Regulations as hereinafter set forth.

1. By amending Part 23 as follows:

(a) By amending § 23.859(b) to read as follows:

§ 23.859 Combustion heater fire protection.

* * * * *

(b) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off and hold off the ignition and fuel supply to that heater at a point remote from that heater when any of the following occurs:

(1) The heat exchanger temperature exceeds safe limits.

(2) The ventilating air temperature exceeds safe limits.

(3) The combustion airflow becomes inadequate for safe operation.

(4) The ventilating airflow becomes inadequate for safe operation.

(b) By adding the following new § 23.906:

§ 23.906 Vibration information from the propeller manufacturer.

Regardless of vibration substantiations accomplished under Part 35 for any propeller to be installed on the airplane, the applicant under this Part must, if requested by the Administrator, obtain from the manufacturer of that propeller all information that the manufacturer can supply to show compliance with § 23.907.

§ 23.907 [Amended]

(c) By amending the introductory paragraph of § 23.907(a) to read as follows:

(a) Each propeller with metal blades or highly stressed metal components must be shown to have vibration stresses, in normal operating conditions, that do not exceed values that have been shown to be safe for continuous operation. This must be shown by—

(d) By amending § 23.1183(b)(1) to read as follows:

§ 23.1183 Lines and fittings.

* * * * *

(b) * * *

(1) Lines and fittings already approved as part of a type certificated engine under Part 33; and

* * * * *

(e) By amending § 23.1585 by adding the following new paragraph (c):

§ 23.1585 Operating procedures.

* * * * *

(c) For multiengine airplanes, information identifying each operating condition in which the fuel system independence prescribed in § 23.953 is necessary for safety must be furnished, together with instructions for placing the fuel system in a configuration used to show compliance with that section.

2. By amending Part 25 as follows:

(a) By amending § 25.859(e)(1) to read as follows:

§ 25.859 Combustion heater fire protection.

* * * * *

(e) * * *

(1) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off the ignition and fuel supply to that heater at a point remote from that heater when any of the following occurs:

(i) The heat exchanger temperature exceeds safe limits.

(ii) The ventilating air temperature exceeds safe limits.

(iii) The combustion airflow becomes inadequate for safe operation.

(iv) The ventilating airflow becomes inadequate for safe operation.

* * * * *

(b) By adding the following new § 25.906:

§ 25.906 Vibration information from the engine and propeller manufacturers.

Regardless of vibration substantiations accomplished under Parts 33 or 35 for any engine or propeller to be installed in the airplane, the applicant under this Part must, if requested by the Administrator, obtain from the manufacturers of those products all information that the manufacturer can supply to show compliance with §§ 25.907 and 25.939.

(c) By amending § 25.933 by adding the following new paragraph (d) at the end thereof:

§ 25.933 Reversing systems.

* * * * *

(d) Each turbojet reversing system must have means to prevent its engine from producing more than idle forward thrust when the reversing controls are set for reverse but the reversing system is not in the reverse position.

(d) By amending § 25.939 to read as follows:

§ 25.939 Turbine engine powerplant operating characteristics.

(a) Turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

(b) Operation of the airplane within the portion of the flight envelope prescribed in § 25.333 that produces the highest negative acceleration loads may not cause hazardous malfunction of any part of the turbine engine powerplant.

(c) The vibration characteristics of turbine engine components whose failure could be catastrophic may not be adversely affected during normal operation.

(e) By amending § 25.955(b) to read as follows:

§ 25.955 Fuel flow.

* * * * *

(b) If an engine can feed from more than one fuel tank, the fuel system must—

(1) For each reciprocating engine, supply the full fuel pressure to that engine in not more than 20 seconds after switching to any other fuel tank when engine malfunctioning becomes apparent due to the depletion of the fuel supply in any tank from which the engine can be fed; and

(2) For each turbine engine, have means to automatically insure the uninterrupted flow of fuel to that engine when the tank supplying that engine is depleted of fuel.

(f) By amending the introductory paragraph of § 25.961(a) to read as follows:

§ 25.961 Fuel system hot weather operation.

* * * * *

(a) The fuel system must perform satisfactorily in hot weather operation. This must be shown by climbing from the altitude of the airport elected by the applicant to the maximum altitude established as an operating limitation under § 25.1527. There may be no evidence of vapor lock or other malfunctioning during the climb test conducted under the following conditions:

* * * * *

(g) By amending § 25.961(a)(4) to read as follows:

§ 25.961 Fuel system hot weather operation.

* * * * *

(a) * * *

(4) The climb airspeed may not exceed—

(i) For reciprocating engine powered airplanes, that speed allowing compliance with the minimum climb requirement specified in § 25.65(a); and

(ii) For turbine engine powered airplanes, the maximum airspeed established for climbing from takeoff to the maximum operating altitude.

* * * * *

(h) By amending § 25.965(b)(3)(i) to read as follows:

§ 25.965 Fuel tank tests.

* * * * *

(b) * * *

(3) * * *

(i) If no frequency of vibration resulting from any r.p.m. within the normal operating range of engine speeds is critical, the test frequency of vibration must be 2,000 cycles per minute.

* * * * *

(i) By amending § 25.969 to read as follows:

§ 25.969 Fuel tank expansion space.

(a) Each fuel tank must have an expansion space of not less than two percent of the tank capacity.

(b) It must be impossible to fill the expansion space inadvertently with the airplane in the normal ground attitude.

(c) For pressure fueling systems, compliance with paragraph (b) of this section must be shown by means of an automatic shutoff that is designed to—

(1) Allow checking for proper shutoff operation before each fueling operation; and

(2) Provide indication, at each fueling station, of failure of the shutoff to prevent filling of the expansion space.

(j) By amending § 25.977 to read as follows:

§ 25.977 Fuel tank outlet.

(a) There must be a fuel strainer for the fuel tank outlet or for the booster pump. This strainer must—

(1) For reciprocating engine powered airplanes, have 8 to 16 meshes per inch; and

(2) For turbine engine powered airplanes, prevent the passage of any object that could restrict fuel flow or damage any fuel system component.

(b) For turbine engine powered airplanes, there must be a means to insure uninterrupted fuel flow to the engine if the strainer prescribed in paragraph (a) of this section is subject to ice accumulation. This means must provide the same degree of protection to the fuel system components as is provided by the strainer prescribed in paragraph (a) of this section.

(c) The clear area of each fuel tank outlet strainer must be at least five times the area of the outlet line.

(d) The diameter of each strainer must be at least that of the fuel tank outlet.

(e) Each finger strainer must be accessible for inspection and cleaning.

(k) By amending § 25.979 to read as follows:

§ 25.979 Pressure refueling.

(a) Each pressure refueling system fuel manifold connection must have means to prevent the escape of hazardous quantities of fuel from the system if the fuel entry valve fails.

(b) Each pressure refueling system must have means, in addition to the automatic shutoff means prescribed in § 25.969(c), to prevent damage to the system if that automatic shutoff means fails. This must be done by—

(1) Proper sizing of the fuel tank vents; or

(2) Providing an overflow valve that can be checked for proper operation before each fueling of the tank.

(c) Compliance with paragraph (b) of this section must be shown for the maximum fueling rates and pressures for which the pressure refueling system is designed.

(l) By adding the following new § 25.981:

§ 25.981 Fuel system lightning protection.

The design of each fuel system must be approved with respect to protection against fuel vapor ignition by lightning, including, as applicable, approval with respect to the following:

(a) Protection against the ignition, by corona or streamering, of fuel vapor in and emanating from vent outlets.

(b) For each area of the airplane in which there may be swept strokes, the protection prescribed in paragraph (a) and—

(1) Protection of each vent outlet against fuel vapor ignition caused by direct strokes; and

(2) Protection of each fuel system component against fuel vapor ignition caused by arcing associated with strokes on insulated and semi-insulated parts of the airplane, such as access doors and filler caps.

(c) For each area of the airplane having a high probability of stroke attachment, the protection prescribed in paragraph (b) and protection against—

(1) Direct strokes;

(2) Attendant blast effects; and

(3) Penetration of any part of the fuel system.

(m) By adding the following new § 25.1003:

§ 25.1003 Fuel temperature.

(a) No temperature inside any fuel tank may exceed 400° F.

(b) Compliance with paragraph (a) of this section must be shown for all normal and abnormal operations of all components that are inside any tank or that could transmit heat to any tank, including all possible malfunctions, and combinations of malfunctions, of those components.

§ 25.1041 [Amended]

(n) By amending § 25.1041 by striking out the period at the end thereof, and by adding the words "and after engine

shutdown", after the words "operating conditions."

(o) By amending § 25.1141 by adding the following new paragraph (e) at the end thereof:

§ 25.1141 Powerplant controls: general.

* * * * *

(e) No probable failure or combination of failures in any powerplant control system may cause the failure of any function necessary for safety. This must be shown by fault analysis, component tests, and simulated environmental tests.

(p) By amending § 25.1153(b) to read as follows:

§ 25.1153 Propeller feathering controls.

* * * * *

(b) If feathering is accomplished by movement of the propeller pitch or speed control lever, there must be means to prevent the inadvertent movement of this lever to the feathering position during normal operation.

(q) By amending § 25.1155 to read as follows:

§ 25.1155 Reverse thrust and propeller pitch settings below the flight regime.

Each control for reverse thrust and for propeller pitch settings below the flight regime must have means to prevent its inadvertent operation. The means must have a positive lock or stop at the flight idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime (forward thrust regime for turbojet powered airplanes).

§ 25.1181 [Amended]

(r) By striking out paragraph (c) of § 25.1181 and by adding the following new § 25.1182:

§ 25.1182 Nacelle areas behind firewalls, and engine pod attaching structures containing flammable fluid lines.

(a) Each nacelle area immediately behind a firewall, and each portion of any engine pod attaching structure containing flammable fluid lines, must meet each requirement of §§ 25.1103(b), 25.1165 (d) and (e), 25.1183, 25.1185(c), 25.1187, 25.1189, and 25.1195 through 25.1203, including those concerning designated fire zones.

(b) For each area covered by paragraph (a) that contains a retractable landing gear, compliance with that paragraph need only be shown with the landing gear retracted.

(s) By amending § 25.1183(b)(1) to read as follows:

§ 25.1183 Lines and fittings.

* * * * *

(b) * * *

(1) Lines and fittings already approved as part of a type certificated engine under Part 33; and

* * * * *

(t) By amending § 25.1305 by adding the following new paragraph (x):

§ 25.1305 Powerplant instruments.

* * * * *

(x) A means, for each air turbine engine starter not designed for continuous use, to indicate to the flight crew when that starter is energized.

(u) By amending § 25.1585 by adding the following new paragraph (b):

§ 25.1585 Operating procedures.

* * * * *

(b) Information identifying each operating condition in which the fuel system independence prescribed in § 25.953 is necessary for safety must be furnished, together with instructions for placing the fuel system in a configuration used to show compliance with that section.

3. By amending Part 27 as follows:

(a) By amending § 27.859(c)(2) to read as follows:

§ 27.859 Heating systems.

* * * * *

(c) * * *

(2) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off and hold off the ignition and fuel supply of that heater at a point remote from that heater when any of the following occurs:

(i) The heat exchanger temperature exceeds safe limits.

(ii) The ventilating air temperature exceeds safe limits.

(iii) The combustion airflow becomes inadequate for safe operation.

(iv) The ventilating airflow becomes inadequate for safe operation.

* * * * *

(b) By adding the following new § 27.906:

§ 27.906 Vibration information from the engine manufacturer.

Regardless of vibration substantiations accomplished under Part 33 for any engine to be installed in the rotorcraft, the applicant under this Part must, if requested by the Administrator, obtain from the manufacturer of that engine all information that the manufacturer can supply to show compliance with §§ 27.907 and 27.939.

(c) By adding the following new § 27.939:

§ 27.939 Turbine engine powerplant operating characteristics.

(a) Turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present to a hazardous degree, during normal and emergency operation within the range of operating limitations of the rotorcraft and of the engine.

(b) The vibration characteristics of turbine engine components whose failure could be catastrophic may not be adversely affected during normal operation.

* * * * *

(e) By amending § 27.1183(b)(1) to read as follows:

§ 27.1183 Lines and fittings.

* * * * *

(b) * * *

(1) Lines and fittings already approved as part of a type certificated engine under Part 33; and

* * * * *

(f) By amending § 27.1585 to read as follows:

§ 27.1585 Operating procedures.

(a) Parts of the Rotorcraft Flight Manual containing operating procedures must have information concerning any normal and emergency procedures, and other information necessary for safe operation, including takeoff and landing procedures and associated airspeeds.

(b) For multiengine rotorcraft, information identifying each operating condition in which the fuel system independence prescribed in § 27.953 is necessary for safety must be furnished, together with instructions for placing the fuel system in a configuration used to show compliance with that section.

4. By amending Part 29 as follows:

(a) By amending § 29.859(e)(1) to read as follows:

§ 29.859 Combustion heater fire protection.

* * * * *

(e) * * *

(1) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off the ignition and fuel supply of that heater at a point remote from that heater when any of the following occurs:

(i) The heat exchanger temperature exceeds safe limits.

(ii) The ventilating air temperature exceeds safe limits.

(iii) The combustion airflow becomes inadequate for safe operation.

(iv) The ventilating airflow becomes inadequate for safe operation.

(b) By adding the following new § 29.906:

§ 29.906 Vibration information from the engine manufacturer.

Regardless of vibration substantiations accomplished under Part 33 for any engine to be installed in the rotorcraft, the applicant under this Part must, if requested by the Administrator, obtain from the manufacturer of that engine all information that the manufacturer can supply to show compliance with §§ 29.907 and 29.939.

(c) By adding the following new § 29.939:

§ 29.939 Turbine engine powerplant operating characteristics.

(a) Turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present to a hazardous degree, during normal and

emergency operation within the range of operating limitations of the rotorcraft and of the engine.

(b) The vibration characteristics of turbine engine components whose failure could be catastrophic may not be adversely affected during normal operation.

(d) By amending § 29.1183(b)(1) to read as follows:

§ 29.1183 Lines and fittings.

* * * * *

(b) * * *

(1) Lines and fittings already approved as part of a type certificated engine under Part 33; and

(e) By amending § 29.1585 to read as follows:

§ 29.1585 Operating procedures.

(a) The parts of the Rotorcraft Flight Manual containing operating procedures must have information concerning any normal and emergency procedures, and other information necessary for safe operation, including the applicable procedures, such as those involving minimum speeds, to be followed if an engine fails.

(b) For multiengine rotorcraft, information identifying each operating condition in which the fuel system independence prescribed in § 29.953 is necessary for safety must be furnished, together with instructions for placing the fuel system in a configuration used to show compliance with that section.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

Issued in Washington, D.C., on December 28, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 66-51; Filed, Jan. 4, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-93]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a transition area at Cordele, Ga., and alter the transition area at Macon, Ga.

An instrument approach procedure to Cordele, Ga., airport is being established utilizing the Vienna, Ga. VORTAC that will require the designation of a transition area at Cordele, Ga., and the alteration of the Macon, Ga., transition area.

The Cordele transition area would be designated as that airspace extending upward from 700 feet above the surface within a 9-mile radius of the Cordele Airport (latitude 31°59'15" N., longitude 83°46'24"W.); within 2 miles each side of the Vienna VORTAC 228° radial extending from the 9-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the N by V-70, on the E by V-243, on the S by latitude 32°00'00" N., and on the W by the arc of a 40-mile radius circle centered at latitude 31°35'-50" N., longitude 84°05'05" W.; within the area E of the Vienna VORTAC bounded on the N by the arc of a 35-mile radius circle centered on the Macon VORTAC (latitude 32°41'27" N., longitude 83°38'50" W.), on the SE by a line 5 miles east of and parallel to the 048° radial of the Vienna VORTAC, on the SW by the 138° radial of the Vienna VORTAC.

The Macon, Ga., 3,000-foot transition area would be altered by deleting that portion designated: "* * * and the area S of Macon bounded on the N by V-70, on the E by V-243, on the S by latitude 32°00'00" N., and on the W by V-35 * * *"

The proposed transition area designation is needed for the protection of IFR operations at the Cordele Airport. A prescribed instrument approach procedure is proposed in conjunction with the designation and alteration of these transition areas.

The proposed Cordele transition area would overlap a portion of the Macon transition area and the Macon transition area is being altered to be compatible with the Cordele transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

These amendments are proposed under sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on December 22, 1965.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-53; Filed, Jan. 4, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SW-42]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 (New) of the Federal Aviation Regulations, which would alter the controlled airspace in the Fayetteville, Ark., terminal area.

The Fayetteville, Ark., transition area is presently designated as that airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 35°54'30" N., longitude 94°19'00" W.; to latitude 36°14'00" N., longitude 94°15'00" W.; to latitude 36°14'00" N., longitude 94°-01'30" W.; to latitude 36°00'00" N., longitude 94°01'30" W.; to latitude 35°-53'30" N., longitude 94°04'30" W.; to point of beginning; within a 5-mile radius of Rogers Municipal Airport, Rogers, Ark. (latitude 36°22'10" N., longitude 94°06'25" W.); within 2 miles each side of the Fayetteville VOR 005° and 185° radials, extending from the Rogers Municipal Airport 5-mile radius area to latitude 36°14'00" N.; and within 2 miles each side of the Rogers RBN 003° bearing, extending from the 5-mile radius area to 8 miles N of the RBN; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 35°43'00" N., longitude 94°20'00" W.; to latitude 36°12'00" N., longitude 94°-28'00" W.; to latitude 36°38'00" N., longitude 94°14'00" W.; to latitude 36°-37'30" N., longitude 93°57'00" W.; to latitude 35°58'00" N., longitude 93°58'-30" W.; to latitude 35°42'00" N., longitude 94°09'00" W.; to point of beginning.

The Federal Aviation Agency proposes to alter the Fayetteville, Ark., transition area as follows:

Redesignate the 700-foot floor portion of the Fayetteville, Ark., transition area as that airspace extending upward from 700 feet above the surface within 8-mile radius of the Fayetteville Municipal Airport-Drake Field (latitude 36°00'15" N., longitude 94°10'05" W.); within 8 miles SW and 5 miles NE of the Drake, Ark., VOR 328° radial (321° magnetic) extending from the VOR to 12 miles NW; and within 6 miles W and 8 miles E of the Fayetteville, Ark., VORTAC 005° (358° magnetic) and 185° (178° magnetic) radials extending from 5 miles N to 12 miles S of the VORTAC, and that within a 5-mile radius of Rogers Municipal Airport, Rogers, Ark. (latitude 36°-22'10" N., longitude 94°06'25" W.) and within 2 miles each side of the Rogers RBN 003° (356° magnetic), extending from the 5-mile radius area to 8 miles north of the RBN.

The proposed transition area would provide protection for aircraft executing instrument approach and departure procedures at Fayetteville Municipal Airport-Drake Field, Rogers Airport, and Springdale Airport, including instru-

ment approach procedure revisions now being processed.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on December 28, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 66-54; Filed, Jan. 4, 1966; 8:46 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 65-WE-16]

VOR FEDERAL AIRWAY AND JET ROUTE

Proposed Realignment

The Federal Aviation Agency is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign V-507 and J-7 and establish floors on segments of V-507 as follows:

1. Revoke the existing segment of V-507 between Lovelock, Nev., VORTAC and Sod House, Nev., VOR.

2. Designate a new segment of V-507 from Reno, Nev., VORTAC to Sod House, Nev., VOR.

3. Revoke the existing segment of J-7 between Oakland, Calif., VORTAC and Rome, Oreg., VORTAC via Red Bluff, Calif., VORTAC.

4. Designate a new segment of J-7 between Reno, Nev., VORTAC and Rome, Oreg., VORTAC.

5. Designate airway floors of V-507.

From	To	Airway floor
Reno VORTAC	42 NM NE of Reno.	1,200 feet above surface.
42 NM NE of Reno.	15 NM SW Sulphur INT.	11,500 feet MSL.
15 NM SW Sulphur INT.	Sod House VOR.	9,500 feet MSL.
Sod House VOR	5 NM S Rome VOR.	9,500 feet MSL.
5 NM S Rome VOR.	Rome VOR	8,500 feet MSL.

The proposed realignment of V-507 would reduce the airway distance between Reno and Sod House by approximately 10 miles. The proposed realignment of J-7 would reduce the airway distance between Oakland, Calif., and Rome, Oreg., by approximately 25 miles In addition, it would provide a lower MEA southwest of Rome and provide a jet route from Reno, Nev., to Boise, Idaho, and points to the Northeast.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 27, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 66-52; Filed, Jan. 4, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1965 Rev. Supp. No. 12]

SECURITY INSURANCE CO. OF HARTFORD

Change of Name

DECEMBER 29, 1965.

Security Insurance Co. of New Haven, New Haven, Conn., a Connecticut corporation, has formally changed its name to Security Insurance Co. of Hartford, Hartford, Conn., effective January 1, 1965. A copy of the Charter, as amended, of Security Insurance Co. of New Haven filed with the Secretary of the State of Connecticut on December 15, 1964, changing the name of Security Insurance Co. of New Haven to Security Insurance Co. of Hartford, has been received and filed in the Treasury.

The change in name of Security Insurance Co. of New Haven does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13) to qualify as sole surety on such obligations.

The name of the company will appear as Security Insurance Co. of Hartford, Hartford, Conn., in the next annual revision of this circular (Treasury Department Circular No. 570) which lists the companies authorized to act as acceptable sureties on bonds in favor of the United States.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66–89; Filed, Jan. 4, 1966; 8:48 a.m.]

[Dept. Circ. 570, 1965 Rev. Supp. No. 13]

BUCKEYE UNION INSURANCE CO. AND BUCKEYE UNION CASUALTY CO.

Surety Company Acceptable on Federal Bonds and Termination of Authority To Qualify as Surety on Federal Bonds

DECEMBER 30, 1965.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $3,106,000 has been established for the Company. Further details as to the extent and localities with respect to which the Company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1966. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Ohio

The Buckeye Union Insurance Co.
Columbus, Ohio

The Certificate of Authority issued by the Secretary of the Treasury to the Buckeye Union Casualty Co., Columbus, Ohio, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13) is hereby terminated effective as of today by reason of the Company's plan of voluntary liquidation.

Pursuant to the plan for liquidation of the Buckeye Union Casualty Co. and a Reinsurance and Assumption Agreement effective January 1, 1965, approved by the Superintendent of Insurance of the State of Ohio, the Buckeye Union Insurance Co., Columbus, Ohio, assumed all the business and policy liabilities of the Buckeye Union Casualty Co. Copies of the related documents are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

In view of the foregoing, no action need be taken by bond-approving officers, by reason of the consolidation, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before January 1, 1965, or thereafter, by the Buckeye Union Casualty Co. pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66–90; Filed, Jan. 4, 1966; 8:48 a.m.]

[Dept. Circ. 570, 1965 Rev. Supp. No. 14]

MILWAUKEE INSURANCE CO. OF MILWAUKEE, WIS.

Termination of Authority To Qualify as Surety on Federal Bonds

DECEMBER, 30, 1965.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Milwaukee Insurance Co. of Milwaukee, Wis., Milwaukee, Wis., under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13) to qualify as sole surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, is hereby terminated, because of its conversion to a Life Company, effective May 1, 1965.

The Continental Insurance Co., a New York corporation, holds a Certificate of Authority from the Secretary of Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to an agreement, effective 12:01 a.m. January 1, 1965, the Continental Insurance Co., New York, N.Y., assumed and reinsured all insurance liabilities then outstanding or thereafter issued in the name of the Milwaukee Insurance Co. of Milwaukee, Wis.

The Treasury has obtained from the Continental Insurance Co. a separate indemnifying agreement dated November 23, 1965, whereby the Continental Insurance Co. has assumed the liability for any losses and claims that have arisen or may arise under or in connection with any bond, undertaking, or other form of obligation entered into or assumed by the Milwaukee Insurance Co. of Milwaukee, Wis. on or before April 30, 1965, or in its name at any time thereafter, in which the United States has or may have an interest, direct or indirect. Copies of the agreement and the document concerning the conversion of Milwaukee Insurance Co. of Milwaukee, Wis., are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond-approving officers, by reason of the conversion and the terms of the reinsurance and assumption agreement referred to herein, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before April 30, 1965, or thereafter, by Milwaukee Insurance Co. of Milwaukee, Wis., pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

Dated: December 30, 1965.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66–91; Filed, Jan. 4, 1966; 8:49 a.m.]

[Antidumping—AA 643.3–H]

STEEL JACKS FROM CANADA

Notice of Tentative Determination

DECEMBER 29, 1965.

Information was received on April 13, 1965, that steel jacks imported from Canada, manufactured by J. C. Hallman Manufacturing Co., Ltd., Waterloo, Ontario, Canada, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. This information was the subject of an

"Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations, in the FEDERAL REGISTER of April 30, 1965, on page 6123 thereof.

On May 3, 1965, the Acting Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise which was published in the FEDERAL REGISTER dated May 8, 1965.

The merchandise under consideration consists of heavy-duty steel jacks, from 36 to 64 inches high. They are hand-operated mechanisms for lifting cars, trucks, tractors, etc.

I hereby make a tentative determination that steel jacks imported from Canada, manufactured by J. C. Hallman Manufacturing Co., Ltd., Waterloo, Ontario, Canada, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. The merchandise was imported pursuant to outright purchases. No relationship exists between the manufacturer and the importers, other than that of buyer and seller. Purchase price, accordingly, was found to be applicable. The quantity sold in the home market by the manufacturer was adequate to serve as a basis for comparison. Purchase price was compared, accordingly, with the home market price for fair value purposes.

Purchase price was calculated by deducting the applicable cash discount from the f.o.b. plant selling price and by adding thereto the uncollected Canadian sales taxes included in the price for home consumption.

The adjusted home market price was computed by deducting from the selling prices to jobbers the applicable quantity discount and the applicable cash discount. There was no difference in packing costs in each market. The net result was converted at the official rate of exchange.

Purchase price was less than the adjusted home market price for each size jack considered.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C., 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 66-92; Filed, Jan. 4, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Fairbanks 024151]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 27, 1965.

The Federal Aviation Agency has filed an application, Serial Number Fairbanks 024151, for withdrawal of the lands described below, from all forms of appropriation under the public lands laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of material under the Materials Act of 1947, as amended. The applicant desires the land for use in connection with operation of a VORTAC Air Navigation Facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the District and Land Office Manager, Bureau of Land Management, Department of the Interior, Post Office Box 1150, Fairbanks, Alaska, 99701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the Federal Aviation Agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NE¼SE¼, Section 30, T. 1 S., R. 2 W., Fairbanks Meridian, Alaska.

The above-described land aggregates 40 acres.

ROBERT J. COFFMAN,
Acting State Director.

[F.R. Doc. 66-93; Filed, Jan. 4, 1966; 8:49 a.m.]

Geological Survey

[Wyoming No. 129]

WYOMING

Coal Land Classification Order; Correction

Coal Land Classification Order Wyoming No. 126 of July 9, 1964 (29 F.R. 9634, July 16, 1964), F.R. Doc. 64-7057, is corrected to read as follows.

COAL LANDS

T. 20 N., R. 76 W.,
Sec. 16, N½NE¼, SW¼NE¼, S½NW¼, N½SW¼.

NONCOAL LANDS

T. 20 N., R. 76 W.,
Sec. 18, lots 1 and 2, NE¼, E½NW¼, E½SE¼.

ARTHUR A. BAKER,
Acting Director.

DECEMBER 21, 1965.

[F.R. Doc. 66-44; Filed, Jan. 4, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

ORGANIZATION, AUTHORITIES AND RESPONSIBILITIES

This notice reflects the following changes in the internal organization of the Agricultural Research Service, which were made by the Administrator of ARS, effective August 1, 1965, pursuant to the authority delegated in 30 F.R. 5801, dated April 24, 1965.

All functions of the Animal Disease Eradication Division, ARS, and those functions of the Animal Inspection and Quarantine Division, ARS, dealing with import-export animals, animal semen, animal products, hay, straw and related materials, poultry, and hatching eggs, and with organisms and vectors, and with certification of purebred animals, were consolidated in the Animal Disease Eradication Division. The Animal Disease Eradication Division was redesignated as the Animal Health Division. All other functions of the Animal Inspection and Quarantine Division were transferred to a new Division known as the Veterinary Biologics Division, and the Animal Inspection and Quarantine Division was abolished.

All rules, regulations, licenses, approvals, orders, forms, certificates, and other official documents of or relating to the former Animal Disease Eradication Division and all such documents of or relating to the former Animal Inspection and Quarantine Division which concern those functions transferred to the new Animal Health Division and issued prior to August 1, 1965, shall continue to be

effective according to their terms as documents of or relating to the Animal Health Division, until modified or revoked.

All rules, regulations, licenses, approvals, orders, forms, certificates, and other official documents of or relating to the former Animal Inspection and Quarantine Division which concern the functions transferred to the new Veterinary Biologics Division and issued prior to August 1, 1965, shall continue to be effective according to their terms as documents of or relating to the Veterinary Biologics Division, until modified or revoked.

All rules, regulations, licenses, approvals, orders, forms, certificates, and other official documents issued on or subsequent to August 1, 1965, by the Animal Health Division and the Veterinary Biologics Division shall continue to be effective according to their terms, until modified or revoked.

The Statement of Organization, Authorities and Responsibilities of the Agricultural Research Service, published in 30 F.R. 5799 et seq., is hereby amended to reflect the above changes by changing the listing of Divisions in section V, paragraph D, to read as follows:

Animal Health Division
Pesticides Regulation Division
Plant Pest Control Division
Plant Quarantine Division
Veterinary Biologics Division

This amendment does not otherwise affect the organization, authorities and responsibilities of the Agricultural Research Service as set forth in 30 F.R. 5799 et seq., nor does it affect the Secretary's statement of "Delegation of Functions" to the Agricultural Research Service in 30 F.R. 5801.

Done at Washington, D.C., this 29th day of December 1965.

E. P. REAGAN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 66-41; Filed, Jan. 4, 1966; 8:45 a.m.]

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

December 1965 Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for December 1965 is amended as set forth below:

The Unrestricted Use Section for wheat is amended to provide that CCC will offer all classes and grades of wheat in its inventory at market price or at 108 percent of the current support price plus carrying charges, whichever is higher.

The Export Section for wheat is amended to provide that sales of Hard Winter wheat for export through Pacific Northwest ports will not be eligible under Title I, P.L. 480 programs. Such sales through California ports are eligible.

(Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on December 30, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-107; Filed, Jan. 4, 1966; 8:49 a.m.]

Office of the Secretary

NORTH DAKOTA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Kidder

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-78; Filed, Jan. 4, 1966; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES AND NUMBER OF ESTABLISHMENTS

Notice of Determination To Continue Survey

Pursuant to Title 13 U.S.C. 181, 224, and 225, and due notice of consideration having been published December 3, 1965 (30 F.R. 14999), I have determined that certain 1965 annual data for retail trade establishments are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted in previous years and makes available on a comparable classification basis data covering year-end inventories, annual sales, and number of retail stores operated as of the end of the year which are not publicly available on a timely basis from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, estimates of inventories and sales-inventory ratios. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report in total only.

Report forms will be furnished to the firms covered by the survey and will be due 15 days after receipt. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

I have therefore directed that an annual survey be conducted for the purpose of collecting these data.

Dated: December 16, 1965.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 66-47; Filed, Jan. 4, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16821; Order E-23061]

ALASKA AIRLINES, INC.

Order of Investigation and Suspension Regarding Proposed Revised Freight Rates and Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1965.

By tariff revisions filed November 29, 1965, and marked to become effective January 1, 1966, Alaska Airlines, Inc. (ASA) proposes extensive changes in its general commodity rates. These include both increases and decreases.

The increases affect chiefly rates at lower weight breaks in certain markets, and in "exception ratings" on certain live animals and human remains. The reductions involve numerous markets and all weight breaks. The minimum charge per shipment proposed involves both an increase and a decrease in comparison with the current minimum charges in effect. ASA states that the proposed revision is based on an analysis of 1,400 individual shipments; that the rates would establish essentially a systematic set of weight breaks; and that the rates would result in increases in monthly revenues of about $1,000 for the shipments surveyed and will also stimulate additional traffic volume.

Complaints were submitted by Northern Consolidated Airlines, Inc. (NCA) and Wien Alaska Airlines, Inc. (Wien) requesting investigation and suspension of the proposals between Fairbanks on the one hand, and Nome and Kotzebue, on the other, between Nome and Kotzebue, between Seattle, on the one hand, and Nome and Kotzebue, on the other, and between McGrath, on the one hand,

and Anchorage, Fairbanks, and Seattle-Tacoma, on the other. It is alleged that such proposals have no promotional value; that the movement of cargo is of major importance for Alaska air carriers; that ASA's costs exceed many of the rates proposed; that the increases proposed by ASA are over monopoly routes, while the reductions are in competitive markets. ASA has filed answers to both complaints.

Upon consideration of the complaints and other relevant matters, the Board finds that the proposed tariff revisions to the extent that they involve rates proposed from Fairbanks to Nome for shipments with minimum weights of 1,000, 2,000, 3,000, 5,000, and 10,000 pounds may be unjust, unreasonable, or unduly discriminatory, or unduly preferential, or unduly prejudicial or otherwise unlawful, and should be investigated. The foregoing rates would undercut the rates in effect for Wien, which is the only carrier operating directly from Fairbanks to Nome, while ASA operates circuitously via Anchorage.

The foregoing proposed reductions range from 24 to 35 percent below the current applicable rates, varying with the size of the shipment involved. Reductions that undercut the rates of the direct route carrier in the market require a full justification if they are to be considered adequately supported. No such justification has been supplied by ASA. In view of the potential significant impact upon carriers' revenues that might result from the application of the foregoing rates, the Board has also concluded to suspend the foregoing proposals pending investigation.

Certain of the proposed rate reductions protested involve markets in which ASA operates over a direct route. These are the rates filed between Anchorage and McGrath, and between Kotzebue and Nome. While the proposed rates are below those in effect for competing carriers at higher weight breaks, the yields exceed 43 cents per ton-mile, which does not appear too low for markets of 223 miles. Furthermore, the reductions below competitors' rates would occur only at weight breaks of 2,000 pounds and over, and the resulting volume spreads are not unreasonable, not exceeding $1.05 per 100 pounds between the rate for 10,000-pound shipments and the rate for 100-pound shipments. We can therefore find no basis for an investigation of these proposals.

Although ASA proposes to cut its rates between Fairbanks and Kotzebue, between Fairbanks and McGrath, and from Nome to Fairbanks, the lower rates are above the complainants' rates. ASA's routes are from 24 to 123 percent longer than the direct routes of the competing carriers in these markets. On the facts before us, we are unable to conclude that these reductions will prejudice the complainants, and we cannot find a basis for investigation.

As indicated above, the complaints also protest rates between McGrath, Nome, and Kotzebue, on the one hand, and Seattle, on the other. However, neither of the complainants operates in these markets. The protests are directed to the alleged impact of the proposals upon the rates in effect for the complainants within Alaska covering their portions of through movements to or from Seattle. The protestants indicate that they will be compelled to reduce their rates within Alaska to continue to participate in such through traffic.

It appears, however, that the foregoing through rates proposed are not unduly low. The yields from the rates proposed between McGrath and Seattle would range between 27.5 cents for shipments under 100 pounds and 22.1 cents for shipments of 10,000 pounds and over. The yields from the rates between Seattle and Nome range between 24.6 to 19.2 cents per ton-mile. The yields from the rates between Seattle and Kotzebue range between 29.5 and 17.0 cents per ton-mile. The rates are in line with air freight rates within the 48 contiguous states, and appear within the zone of reasonableness.

The proposals also involve other rates, both increases and decreases, which have not been protested. The rates filed do not appear unreasonable. The yields range from 82 to 21 cents per ton-mile, and are not out of line, distance and size of shipment considered, with the rates between points in the 48 contiguous states.

ASA, in its filing, also proposes to establish rates for additional weight breaks on a uniform basis up to 10,000 pounds. The foregoing spreads are in line with those currently in effect for movements within the 48 contiguous States.

The changes proposed in "exception ratings," rates above the general commodity rates, involve increases on human remains from 100 percent of the general commodity rates to 200 percent of such rates and on certain live animals from 125 to 150 or 200 percent. The rates on seafood and other commodities would be reduced from 125 to 100 percent of the general commodity rates. The foregoing changes essentially meet competition.

The minimum charge of $4 per shipment also does not appear unreasonable. It is about the average for the local service carriers within the 48 contiguous States.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered,* That:

1. An investigation is instituted to determine whether the general commodity rates from Fairbanks to Nome subject to minimum weights of 1,000, 2,000, 3,000, 5,000, and 10,000 pounds appearing on 50th Revised Page 17 of Airline Tariff Publishers, Inc., Agent, C.A.B. No. 8 (Agent J. Aniello series) and rules, regulations, and practices affecting such rates are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful rates, and rules, regulations, and practices affecting such rates;

2. Pending hearing and decision by the Board, the general commodity rates from Fairbanks to Nome subject to minimum weights of 1,000, 2,000, 3,000, 5,000, and 10,000 pounds appearing on 50th Revised Page 17 of Airline Tariff Publishers, Inc., Agent, C.A.B. No. 8 (Agent J. Aniello series) are suspended and their use deferred to and including March 31, 1966, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of Northern Consolidated Airlines, Inc., in Docket 16761 and of Wien Alaska Airlines, Inc., in Docket 16759 are dismissed, except to the extent granted herein;

4. The proceeding herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon Alaska Airlines, Inc., Northern Consolidated Airlines, Inc., and Wien Alaska Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 66-100; Filed, Jan. 4, 1966; 8:49 a.m.]

[Docket No. 16719; Order E-23063]

CONTINENTAL AIR LINES, INC.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1965.

Application of Continental Air Lines, Inc., Docket 16719; for disclaimer of jurisdiction or, in the alternative, approval under section 408 of the Federal Aviation Act of 1958, as amended.

By application filed December 3, 1965, Continental Air Lines, Inc. (Continental) requests that the Board disclaim jurisdiction or alternatively approve, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) agreements for the sale of its fleet of 11 Viscount model 812 aircraft and related equipment[1] to Channel Airways, Ltd. (Channel). The application states that Channel is a scheduled carrier by air under the laws of England.

In support of the application, Continental states that it has on order 12 DC-9 aircraft for delivery in 1966 and 1967 and, by means of a lease-back arrangement, plans to phase out the V-812's to Channel only as they are replaced by

[1] 10 RDA-7 spare engines; 12 spare propellers; and spare parts, ground handling equipment and special Viscount tooling remaining on hand following phase-out of the Viscount aircraft by Continental.

this new equipment.[2] Continental indicates that, together with other new aircraft on order,[3] these acquisitions will provide a net increase in its aggregate fleet capacity from 2,350 seats at present to 2,812 seats at the end of May 1967, taking into account only eight of the 12 DC–9's to be received.[4]

The Board, upon consideration of the application finds that the 11 V–812 aircraft to be purchased by Channel constitute a substantial portion of the properties of Continental within the meaning of section 408 of the Act, since they comprise approximately 42 percent of Continental's total number of aircraft and 27 percent of its fleet seating capacity. Accordingly, the Board will not grant the requested disclaimer of jurisdiction, nor is an exemption appropriate since Channel, against which the prohibition in section 408 runs in this instance, is not an air carrier within the meaning of the Act, and hence may not be exempted pursuant to section 416. However, the Board has concluded tentatively that the purchase of the aircraft by Channel from Continental does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing. Although the 11 V–812's presently constitute a substantial proportion of Continental's aircraft fleet, they are to be replaced by modern jet aircraft of increased capacity. It thus appears that approval of the transaction would not be inconsistent with the public interest. Therefore, the Board tentatively finds that the transaction should be approved without hearing under the provisions of section 408(b) of the Act. In accordance therewith, this order, constituting notice of such intention, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Therefore, it is ordered:

1. That interested persons are hereby afforded a period of fifteen (15) days from the date of service of this order within which to file comments or request a hearing with respect to the action proposed herein; [5] and

2. That the Attorney General of the United States be furnished a copy of this order within 1 day of the date of its service.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 66–101; Filed, Jan. 4, 1966; 8:49 a.m.]

[2] The V–812's are to be delivered to Channel at Love Field, Dallas, Tex., as follows: three in December 1965 (to be leased back by Continental until April-May 1966); two in December 1966 (to be leased back until February 1967); and two in each of March, April, and May 1967. Continental is scheduled to receive one DC–9 per month from February through April and from October through December 1966, and one per month from April through September 1967. We will expect the definitive V–812 leaseback arrangements to be filed pursuant to Part 299 of the Board's Economic Regulations.

[3] Two Boeing 720B aircraft and two Boeing 707–320C aircraft.

[4] Continental consummated the agreements on December 16, 1965, by selling three of the aircraft to Channel and leasing them back. However, under the circumstances present here, the Board has decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952), and to consider the application on its merits.

[5] Comments shall conform to the requirements of the Board's rules of practice for the filing of documents.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16393–16395; FCC 65–1165]

HARRISCOPE, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Harriscope, Inc., San Bernardino, Calif., Docket No. 16393, File No. BPCT–3432; Marbro Broadcasting Co., Inc., San Bernardino, Calif., Docket No. 16394, File No. BPCT–3455; Supat Broadcasting Corp., San Bernardino, Calif., Docket No. 16395, File No. BPCT–3499; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of December 1965;

1. The Commission has under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 58, San Bernardino, Calif. It appears that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The following matter is to be considered in connection with the issues specified below:

a. Based on information contained in the application of Harriscope, Inc., it appears that, operating as proposed, there would be overlap of the proposed Grade B contour with the predicted Grade B contour of Television Broadcast Station KBAK–TV, Channel 29, Bakersfield, Calif., a commonly-owned station.

The applicant contends that, notwithstanding the fact that there would be theoretical overlap of the Grade B contours computed in accordance with § 73.684 of the Commission's Rules, there will be no overlap because of terrain factors. To support this contention, the applicant has submitted two alternative showings, pursuant to § 73.684(f) of the Commission's rules. In the first showing, the applicant has analyzed the terrain between the respective stations involved and the area of overlap by means of detailed terrain profile graphs. Each indicates line of sight limitations at one or more points along the radial between the respective stations and the area of interest. On one of the less rugged profiles, a calculation has been made by use of an alternative method which purports to show that the signal intensity just beyond the first line of sight limitation will be exactly 64 dbu (Grade B). This point is 29.9 miles from Station KBAK–TV, whereas the Commission's prediction method would place the Grade B contour at 76 miles on the same radial.

b. Based on the determination made by the alternate method at one point on one radial, the applicant concludes that no overlap would result "* * * on the arbitrary assumption that the terrain on all radials is similar to that of the radial cited in the example." However, there is no showing from which a conclusion may be reasonably drawn that the signal intensity will not rise again to a Grade B intensity, or better, beyond the one isolated point selected in the example. The applicant has, in fact, conceded that "It is recognized that all areas below sight do not necessarily have less than Grade B service for this reason alone, particularly in those cases where the received field intensity would be high in the absence of terrain obstructions."

c. In the second supplementary showing, the applicant has applied CCIR terrain correction factors described in FCC Technical Report No. R–6502. This report describes the background material leading to the development of improved field strength versus distance curves for the VHF and UHF television bands. The technique which the applicant has used has not been evaluated or accepted by the Commission and is the subject of the rulemaking proceeding in Docket No. 16004. Consequently, use of this alternate method will not be permitted in this proceeding.

d. We are unable to determine that the conclusions which the applicant has drawn from its alternate showings are valid. An issue will be specified, therefore, to determine whether there would be Grade B overlap of the contours of commonly owned stations.

3. Except as indicated by the issues specified below, each of the applicants appears to be qualified to construct, own, and operate the proposed new television broadcast station.

4. A further revision of the Television Table of Assignments (§ 73.606 of the Commission's rules) is indicated (Public Notice, Sept. 16, 1965, FCC 65–813) and such revision may result in the substitution of another UHF television broadcast channel in San Bernardino, Calif., in lieu of Channel 58. The Commission is of the view that a grant of any of the above-captioned applications should be made subject to the condition that the Commission may, without further proceedings, specify operation by the permittee on such other UHF television broadcast channel as may be allocated

to San Bernardino, Calif., in lieu of Channel 58.

5. It appears that there is a significant disparity in the proposed service contours of the applicants in this proceeding. Consistent with the Commission's new policy on comparative criteria (Policy Statement on Comparative Broadcast Hearing, FCC 65–689, 1 FCC 2d 393, 5 RR 2d 1901), no issue has been specified with respect to which of the proposals would represent the most efficient use of the frequency, but evidence with respect thereto may be adduced under the comparative issue.

6. Upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Harriscope, Inc., Marbro Broadcasting Co., Inc., and Supat Broadcasting Corp., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether a grant of the application of Harriscope, Inc., would be consistent with § 73.636(a) (1) of the Commission's rules.

2. In the event that Issue 1, above, is resolved in the affirmative, to determine which of the proposals would best serve the public interest, convenience and necessity.

3. In the event that Issue 1, above, is resolved in the negative, to determine whether a grant of the application of Marbro Broadcasting Co., or Supat Broadcasting Corp. would better serve the public interest, convenience and necessity.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the above-captioned applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, Harriscope, Inc., Marbro Broadcasting Co., Inc., and Supat Broadcasting Corp., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: December 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–103; Filed, Jan. 4, 1966; 8:49 a.m.]

[Docket Nos. 16388–16390; FCC 65–1151]

D. H. OVERMYER COMMUNICATIONS CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: D. H. Overmyer Communications Co., Dallas, Tex., Docket No. 16388, File No. BPCT–3463; Maxwell Electronics Corp., Dallas, Tex., Docket No. 16389, File No. BPCT–3489; Grandview Broadcasting Co., Dallas, Tex., Docket No. 16390, File No. BPCT–3595; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 22d day of December 1965;

1. The Commission has before it for consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 29, Dallas, Tex. It appears that the above-captioned applications are mutually exclusive, in that operation by the applicants as proposed would result in mutually destructive interference.

2. The following matters are to be considered in connection with the issues specified below:

a. Based on information contained in the application of D. H. Overmyer Communications Co., cash of approximately $879,000 will be required for the construction and operation of the proposed new station for 1 year. To meet these costs, the applicant relies upon the availability of a loan from Mercantile National Bank of $500,000 and revenues in the first year of operation of $400,000. The letter from the Mercantile National Bank, however, makes the availability of the loan subject to the condition that an appropriate loan agreement be executed between the parties at the time the loan is to be made. It is not, therefore, an unconditional commitment to lend funds. Moreover, on the basis of the Commission's experience with new stations entering a multi-station market, the Commission believes that the applicant's estimate of $400,000 in revenues during the first year of operation is unrealistically high in the light of the operation proposed. Additionally, Mr. D. H. Overmyer, the sole stockholder, is committed to furnish $8,229,470 in funds for the construction and operation of six other television broadcast stations and he has shown the availability of $6,030,176 with which to finance the same. Assuming the further availability of another $1,000,000 in revenues for these six stations, the applicant has not shown the extent to which Mr. Overmyer's assets will be available to the applicant for the construction and operation of the station herein proposed, over and above his commitments in connection with the other six stations. It cannot be determined, therefore, that the applicant is financially qualified.

b. Maxwell Electronics Corp. has not obtained approval of the Federal Aviation Agency with respect to whether the tower height and location proposed would constitute a hazard to air navigation.

3. The transmitter which Maxwell Electronics Corp. proposes to use has not been type-accepted by the Commission. In the event of a grant of the application, therefore, the grant should be made subject to the condition that, prior to licensing, the applicant shall submit acceptable data for type-acceptance in accordance with § 73.640 of the Commission's rules.

4. The Commission has indicated (Public Notice, Sept. 16, 1965, FCC 65–813, 1 FCC 2d 830) that a further revision of the Television Table of Assignments (§ 73.606 of the Commission's rules) will be necessary. In view of the fact that the revision could result in the substitution of another UHF television broadcast channel in Dallas, Tex., in lieu of Channel 29, the Commission is of the view that grant of any of these applications should be made subject to the condition that the Commission may, without further proceedings, substitute for Channel 29 in Dallas, Tex., such other channel as may be allocated to Dallas, Tex., as the result of the pending rule making proceeding in Docket No. 14229.

5. It appears that, except as indicated in the foregoing paragraphs, the applicants herein are qualified to construct, own and operate the proposed new television broadcast station. Upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of D. H. Overmyer Communications Co., Maxwell Electronics Corp., and Grandview Broadcasting Co. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, with respect to the application of D. H. Overmyer Communications Co.:

a. Whether, in view of the fact that the proposed loan from Mercantile National Bank is subject to the execution of a loan agreement in futuro, the terms and conditions of which are unknown, the proposed bank loan will be available;

b. The amount of revenues which can reasonably be expected during the first year of operation of the proposed station,

[1] Commissioner Wadsworth absent.

in the light of the type of operation proposed;

c. Whether Mr. D. H. Overmyer has current and liquid assets in excess of current liabilities sufficient to meet his commitments in connection with other television broadcast stations in which he has an interest and to furnish additional funds to the applicant in connection with the instant application;

d. If (c), above, is resolved in the affirmative, whether Mr. D. H. Overmyer is committed to furnish the necessary funds to the applicant in connection with the instant application; and

e. Whether, in view of the evidence adduced with respect to Items 1–a through 1–d, the applicant is financially qualified to construct and operate the proposed station in that it has or will have sufficient funds for the construction and operation of such station for at least one year.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Maxwell Electronics Corp. would constitute a hazard to air navigation.

3. To determine which of the proposals would best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of any of the above-captioned applications, such grant shall be made subject to the condition that the Commission may, without further proceedings, substitute for Channel 29 such other UHF television broadcast channel as may be allocated to Dallas, Tex., in lieu of Channel 29.

It is further ordered, That, in the event of a grant of the application of Maxwell Electronics Corp., such grant shall be made subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type-acceptance of its transmitter in accordance with § 73.640 of the Commission's rules.

It is further ordered, That the Federal Aviation Agency is made a party to this proceeding, with respect to the application of Maxwell Electronics Corp.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to §1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: December 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66–104; Filed, Jan. 4, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PARR-RICHMOND TERMINAL CO. AND PETROMARK, INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Parr-Richmond Terminal Co., 1 Drumm Street, San Francisco, Calif., 94111.

Agreement No. T–1900, between Parr-Richmond Terminal Co. (Parr-Richmond) and Petromark, Inc. (Petromark), provides for the lease to Petromark of certain land and storage tank facilities in Richmond, Calif. Rental will be a fixed monthly sum for the land and a fixed monthly sum plus a guaranteed minimum throughput charge for the storage tanks. Petromark will use the premises for storing, distributing, packing, processing, etc., of petroleum, petroleum products, chemicals and chemical products. Petromark agrees to give preference to the terminal or warehouse facilities of Parr-Richmond in all cases where shipments controlled by Petromark may be handled at Parr-Richmond's terminal or warehouse facilities with no more expense than would be involved in the use of other facilities.

Dated: December 30, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66–82; Filed, Jan. 4, 1966; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

[Independent Ocean Freight Forwarder License 822]

R. J. GODWIN'S SONS, INC.

Order To Show Cause

On December 20, 1965, the St. Paul Mercury Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by R. J. Godwin's Sons, Inc., 8–10 Bridge Street, New York, N.Y., 10004, would be cancelled effective 12:01 a.m., January 19, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for wilful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That R. J. Godwin's Sons, Inc., on or before January 13, 1966, either (1) submit a valid bond effective on or before January 19, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m. on January 17, 1966, in Room 504, Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation, forthwith revoke License No. 822, if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 66–83; Filed, Jan. 4, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CI62–585 etc.]

PALM PETROLEUM CORP. ET AL.

Order Amending Orders Issuing Certificates, Accepting Rate Schedule Filings, Providing for Hearing on Change in Rate and Requiring Filing of Agreement and Undertaking

DECEMBER 27, 1965.

On March 12, 1965, Palm Petroleum Corp. (Operator), et al. (Petitioner), filed in Docket No. CI62–585 a petition to amend the order issuing a certificate of public convenience and necessity in said docket on February 19, 1965, all as more fully set forth in the petition.

The certificate issued in Docket No. CI62–585 authorizes the sale of natural gas by Petitioner to Kansas-Nebraska

Natural Gas Co., Inc. (Kansas-Nebraska), from the Gilbert Unit (Sec. 5, T2N, R19ECM), Texas County, Okla.[1] Petitioner requests that the order issuing the certificate be amended by authorizing the sale to Kansas-Nebraska of only 62.929 percent of the gas and by authorizing the sale of the remaining 37.071 percent of the gas to Panhandle Eastern Pipe Line Co. (Panhandle). The sale to Panhandle will be made pursuant to a contract dated October 4, 1956, to which a predecessor of Petitioner, The Carter Oil Co. (Carter), had dedicated its interest in the gas.[2]

The instant filing is the result of the settlement of a controversy with respect to the amount of Petitioner's gas dedicated to each buyer. The controversy had its foundation in an operating agreement dated January 26, 1955, wherein four producers agreed to pool their leases in a six-section area, including the subject section 5. The leases in section 5 were then held by Union Oil Co. of California (Union) and Sinclair Oil & Gas Co. (Sinclair). The production and expenses for the whole six-section area were to be shared in the following proportions:

	Percentage
The Carter Oil Co.	37.071
Union Oil Co. of California	28.266
Sinclair Oil and Gas Co.	22.112
Skelly Oil Co.	12.551

Carter was named operator, but each producer had the privilege of disposing of its own share of the gas. Thus, Carter dedicated its share to its 1956 contract with Panhandle and Union dedicated its share to its 1957 contract with Kansas-Nebraska. There is no indication that Sinclair or Skelly dedicated their gas to any buyer.

While Carter owned an interest in gas produced from section 5 through its contribution of other acreage to the pool arrangement, it did not have title to any leases covering acreage in said section. Accordingly, Carter did not include section 5 in the description of dedicated acreage in its contract with Panhandle but did include the contract acreage which it had contributed to the pool arrangement. Therefore, Panhandle claims the right to purchase 37.071 percent of the gas from the unit. By agreements dated January 13, 1965, Petitioner, Panhandle and Kansas-Nebraska effected the release of 37.071 percent of the unit from the Kansas-Nebraska contract of October 17, 1961, and confirmed the dedication of such interest to the 1956 contract with Panhandle.

Petitioner has heretofore been authorized to sell gas to Kansas-Nebraska at a rate of 16.6 cents per Mcf at 14.65 p.s.i.a. for gas produced from acreage originally owned by Union and at a rate of 17.0 cents per Mcf at 14.65 p.s.i.a. for gas produced from acreage originally owned by Sinclair. The 16.6-cent rate was made subject to refund in Union's rate proceeding in Docket No. RI61–52 and Petitioner was made a party respondent in said proceeding. The 16.6-cent price is applicable to Union's former 28.266 percent interest in the entire unit and the 17.0-cent price is applicable to the remainder (34.663 percent) of the 62.929 percent total interest dedicated to Kansas-Nebraska.

On December 22, 1961, the date on which Petitioner acquired Humble's (Carter's) 37.071 percent interest, the effective rate for sales by Humble to Panhandle was 16.8 cents per Mcf at 14.65 p.s.i.a. subject to refund in Humble's rate proceeding pending in Docket No. RI61–392. On July 8, 1964, the Commission issued an order in Docket No. G–9287, et al., conditionally approving Humble's companywide settlement proposal and providing that the proceeding in Docket No. RI61–392 would be terminated upon full compliance with the order. Although the proceeding is still open pending the establishment of acceptable flow-through arrangements as to certain refunds, the rate determination in Docket No. RI61–392 has been made with respect to those sales intended to be included in the settlement proposal. Therefore, Petitioner will be permitted to sell gas to Panhandle at the 16.8-cent rate subject to refund in a new rate proceeding which is instituted herein in Docket No. RI66–191.

On March 16, 1965, and May 11, 1965, Petitioner submitted as rate schedule filings the agreements of January 13, 1965, and the contract of October 4, 1956.

After due notice no petition to intervene, notice of intervention or protest to the granting of the petition has been received.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate issued to Petitioner in Docket No. CI62–585 should be amended as hereinafter ordered.

The Commission orders: (A) The order issuing a certificate of public convenience and necessity to Petitioner in Docket No. CI62–585 is amended by authorizing Petitioner to sell gas from the Gilbert Unit under the following conditions:

(a) Gas shall be sold to Panhandle from the 37.071 percent interest acquired by Petitioner from Humble at a rate of 16.8 cents per Mcf subject to refund in Docket No. RI66–191.

(b) Gas shall be sold to Kansas-Nebraska from the 28.266 percent interest originally dedicated to Kansas-Nebraska by Union at a rate of 16.6 cents per Mcf subject to refund in Docket No. RI61–52, and

(c) Gas shall be sold to Kansas-Nebraska from the 34.663 percent interest originally held by Sinclair and Skelly at a rate of 17.0 cents per Mcf.

In all other respects said order shall remain in full force and effect.

(B) The Commission shall enter upon a hearing in Docket No. RI66–191 regarding the lawfulness of the 16.8 cents per Mcf rate[3] under which Petitioner shall sell gas to Panhandle as authorized in paragraph (A) above. Protests and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1966.

(C) Within 30 days from the date of this order Petitioner shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI66–191 to assure the refund of any amount collected by it, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall remain in full force and effect.

(D) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed in Docket No. RI66–191 shall remain in full force and effect until discharged by the Commission.

(E) The following instruments are accepted for filing, effective as of December 22, 1961, and are designated as follows:

Description and date of instrument	Palm Petroleum Corp. (Operator), et al.	
	FPC gas rate schedule No.	Supplement No.
Contract, Oct. 4, 1956	5	
Agreement,[4] Jan. 13, 1965	5	1
Supplement agreement,[5] Jan. 13, 1965	2	4

(F) The order issuing a certificate to Humble in Docket No. G–11608 authorizing its sale of gas to Panhandle pursuant to the contract of October 4, 1956, is amended by deleting therefrom authorization to sell gas from the interest

[1] The sale is made pursuant to a contract dated Oct. 17, 1961, on file with the Commission as Palm Petroleum Corp. (Operator), et al., FPC Gas Rate Schedule No. 2. Petitioner commenced service thereunder on Dec. 22, 1961, pursuant to a temporary certificate. This contract superseded a contract dated Aug. 6, 1957, between Kansas-Nebraska and Union Oil Co. of California insofar as it covered Union's former 28.266 percent interest in the subject unit. Petitioner now owns 91.167 percent and Union the remaining 8.833 percent interest in the Unit. The 1957 contract is on file with the Commission as Union Oil Co. of California FPC Gas Rate Schedule No. 20.

[2] Humble Oil & Refining Co. succeeded to the interest of The Carter Oil Co. The contract is on file with the Commission as Humble Oil & Refining Co. FPC Gas Rate Schedule No. 202.

[3] This is the same rate heretofore proposed in Supplement No. 7 to Humble's FPC Gas Rate Schedule No. 202 and made effective subject to refund in Docket No. RI61–392.

[4] Acknowledges that an undivided 37.071 percent interest acquired by Petitioner in sec. 5, T2N, R19ECM, is committed under the terms and provisions of the Humble contract of Oct. 4, 1956.

[5] Deletes the 37.071 percent interest acquired from Humble subject to Humble's prior dedication of production from this interest to Panhandle under the contract of Oct. 4, 1956, on file as Petitioner's FPC Gas Rate Schedule No. 5.

acquired by Petitioner, and in all other respects said order shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-60; Filed, Jan. 4, 1966; 8:46 a.m.]

[Docket No. CP66-194]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 27, 1965.

Take notice that on December 16, 1965, Union Gas System, Inc. (Applicant), Post Office Box 347, Independence, Kans., 67301, filed in Docket No. CP66-194 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the Conner Area, Leavenworth County, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By the instant application, Applicant seeks the sale and delivery by Respondent to Applicant of up to 35 Mcf of natural gas per day at an interconnection of Applicant's proposed lateral pipeline with Respondent's 26-inch transmission line in eastern Leavenworth County, Kans. Specifically, Applicant proposes to construct, own and operate a natural gas distribution system in the community known as the Conner Area in Leavenworth County, Kans. Applicant also proposes to construct, own and operate pipeline facilities consisting of 1.12 miles of 2-inch I.D. pipeline extending eastward from the proposed point of interconnection to the community to be served. The estimated population of the Conner Area is stated to be approximately 56 with 16 residences.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	2,004	2,338	2,672
Peak day (Mcf)	26	31	35

Total estimated cost of Applicant's proposed distribution system and lateral pipeline facilities is $11,936, which cost will be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-61; Filed, Jan. 4, 1966; 8:46 a.m.]

[Docket No. CP66-195]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 27, 1965.

Take notice that on December 16, 1965, Union Gas System, Inc. (Applicant), Post Office Box 347, Independence, Kans., 67301, filed in Docket No. CP66-195 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the Dreher Mobil Home Village, Douglas County, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By the instant application, Applicant seeks the sale and delivery by Respondent to Applicant of up to 95 Mcf of natural gas per day at an interconnection of Applicant's proposed lateral pipeline with Respondent's 16-inch transmission line in eastern Douglas County, Kans. Specifically, Applicant proposes to construct, own and operate a natural gas distribution system in the community known as the Dreher Mobil Home Village in Douglas County, Kans. Applicant also proposes to construct, own and operate lateral pipeline facilities, consisting of 2,100 feet of 1½-inch I.D. pipeline and 1,200 feet of 1¼-inch I.D. pipeline extending westward from the proposed point of interconnection to the community to be served. The estimated population of the Dreher Mobil Home Village is stated to be approximately 88, with 25 mobil homes. Applicant states that said population is expected to increase to 150 within 3 years.

Total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	4,175	5,678	7,181
Peak day (Mcf)	55	75	95

The total estimated cost of Applicant's proposed lateral pipeline facilities and distribution system is stated to be $4,678, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-62; Filed, Jan. 4, 1966; 8:47 am.]

[Docket No. CP66-196]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 27, 1965.

Take notice that on December 16, 1965, Union Gas System, Inc. (Applicant), Post Office Box 347, Independence, Kans., 67301, filed in Docket No. CP66-195 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the Underwood Development, Douglas County, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By the instant application, Applicant seeks the sale and delivery by Respondent to Applicant of up to 27 Mcf of natural gas per day at an interconnection of Applicant's proposed lateral pipeline with Respondent's 16-inch transmission line in eastern Douglas County, Kans. Specifically, Applicant proposes to construct, own and operate a natural gas distribution system in the community known as the Underwood Development in Douglas County, Kans. Applicant also proposes to construct, own and operate pipeline facilities, consisting of 1,370 feet of 2-inch I.D. pipeline and 450 feet of 1-inch I.D. pipeline extending westward from the proposed point of interconnection to the area to be served. The estimated population of the Underwood Development is approximately 42 with 12 residences.

Total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	1,336	1,670	2,004
Peak day (Mcf)	17.6	22.0	26.4

The total estimated cost of Applicant's proposed lateral pipeline facilities and distribution system is stated to be $2,613, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accord-

ance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-63; Filed, Jan. 4, 1966; 8:47 a.m.]

[Project No. 2554]

MOREAU MANUFACTURING CO.

Notice of Application for License for Constructed Project

DECEMBER 27, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Moreau Manufacturing Co. (correspondence to: Lauman Martin, Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, N.Y., 13202) for a license for constructed Project No. 2554, located on the Hudson River, 56 miles upstream from Albany, in the Town of Moreau, in Saratoga and Washington Counties, N.Y.

The application describes the existing project owned by the Applicant as consisting of: (1) Headgates and forebay; (2) a closed flume connected to five hydroelectric units; and (3) a powerhouse of concrete, steel and brick construction, housing five hydroelectric units of 1,200 kw each, designed to operate under 15'6" head.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 15, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-64; Filed, Jan. 4, 1966; 8:47 a.m.]

[Docket No. G-12004, etc.]

SOCONY MOBIL OIL CO., INC., ET AL.

Findings and Order After Statutory Hearing; Correction

DECEMBER 16, 1965.

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment Service, Terminating Certificates, Making Successors Co-Respondents, Redesignating Proceedings, Accepting Surety Bond For Filing, Requiring Filing of Agreement and Undertaking, and Accepting Related Rate Schedules and Supplements for Filing, issued November 22, 1965 and published in the FEDERAL REGISTER December 1, 1965 (F.R. Doc. 65-12764; 30 F.R. 14872); in chart after Docket No. CI66-283 change FPC Gas Rate Schedule "No. 378" to FPC Gas Rate Schedule "No. 380".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-65; Filed, Jan. 4, 1966; 8:47 a.m.]

[Docket No. G-4575, etc.]

J. RALPH GARNER ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificate; Correction

DECEMBER 3, 1965.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificate issued November 30, 1965 and published in the FEDERAL REGISTER December 9, 1965 (F.R. Doc. 65-13103; 30 F.R. 15240); in the chart after Charles K. Williams (successor to J. F. Pritchard), "Docket No. G-15951" should be corrected to "Docket No. G-8524".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-66; Filed, Jan. 4, 1966; 8:47 a.m.]

[Docket Nos. RI66-164, etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

DECEMBER 1, 1965.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued November 18, 1965 and published in the FEDERAL REGISTER November 27, 1965 (F.R. Doc. 65-12652; 30 F.R. 14756); in Appendix "A", under column headed "Date Suspended Until", change "4-26-65" to read "4-26-66".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-67; Filed, Jan. 4, 1966; 8:47 a.m.]

[Docket No. RI66-106, etc.]

COLUMBIAN FUEL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

DECEMBER 1, 1965.

In the Order Providing for Hearing on and Suspension of Proposed Changes, in Rates, and allowing Rate Changes to Become Effective Subject to Refund, issued October 19, 1965 and published in the FEDERAL REGISTER October 26, 1965 (F.R. Doc. 65-11414; 30 FR-13589); in paragraph 1 of Appendix "A" delete all reference to "Columbian Fuel Corporation" and substitute "Aspen Drilling Company (Operator), et al." also paragraph 2 should have all reference to "Aspen Drilling Company (Operator), et al." and substitute "Columbian Fuel Corporation."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-68; Filed, Jan. 4, 1966; 8:47 a.m.]

[Project No. 749]

UTAH POWER & LIGHT CO.

Notice of Application for Surrender of License for Constructed Project

DECEMBER 3, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Utah Power & Light Co. (correspondence to: Utah Power & Light Co., c/o Leighton and Sherline, Suite 707, 815 Connecticut Avenue NW., Washington, D.C., 20006) for surrender of license for constructed project No. 749, known as the Malad Plant, located on Birch Creek in the vicinity of Malad City, in Bannock County, Idaho, and affecting lands of the United States within the Cache National Forest.

The project comprises a dam, water conduit, powerhouse containing one 250 kw generator, and appurtenant facilities.

According to the application, the powerhouse was destroyed by lightning caused fire leaving only the water conduit and dam in the creek bed intact, that the cost of reconstruction of the Malad Plant would result in an estimated cost of 6½ mills for each kilowatthour of energy generated, and applicant is not therefore justified in reconstructing and operating and maintaining its Malad Plant. While the application does not so state, Commission records show that other energy is available from the applicant's system to supply the power lost from the Malad Plant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 17, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-69; Filed, Jan. 4, 1966; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Barnett National Securities Corp., Jack-

sonville, Fla., for approval of the acquisition of voting shares of Barnett First National bank of Jacksonville, Jacksonville, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4 (a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Barnett National Securities Corp., Jacksonville, Fla., a registered bank holding company, for the Board's approval of the acquisition of 80 percent or more of the voting stock of Barnett First National Bank of Jacksonville, Jacksonville, Fla.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation thereon. The Comptroller recommended approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on August 25, 1965 (30 F.R. 11006), which provided an opportunity for submission of comments and views regarding the application. Time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 27th day of December 1965.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-70; Filed, Jan. 4, 1966; 8:47 a.m.]

BARNETT NATIONAL SECURITIES CORP.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of Barnett National Securities Corp., Jacksonville, Fla., for approval of the acquisition of voting shares of First National Beach Bank, Jacksonville Beach, Jacksonville Beach, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4 (a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Barnett National Securities Corp., Jacksonville, Fla., a registered bank holding company, for the Board's approval of the acquisition of 80 percent or more of the voting stock of First National Beach Bank, Jacksonville Beach, Jacksonville Beach, Fla.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation thereon. The Comptroller voiced no objection to approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on August 25, 1965 (30 F.R. 11006), which provided an opportunity for submission of comments and views regarding the application. Time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 27th day of December 1965.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-71; Filed, Jan. 4, 1966; 8:47 a.m.]

UNITED STATES INFORMATION AGENCY

[Delegation of Authority 50]

CHIEF OF CONTRACT AND PROCUREMENT DIVISION

Delegation of Authority To Contract for Electrical Power

DECEMBER 1, 1965.

Pursuant to the authority vested in me by Federal Procurement Regulations Temporary Regulation No. 2, dated November 8, 1965, issued by the Administrator, General Services Administration, I hereby delegate to the Chief of the Contract and Procurement Division authority to enter into a contract, for a period not exceeding 10 years, for the purchase of auxiliary electric power to be used in the operation of the Agency's Radio Relay Station near Dixon, Solano County, Calif.

This authority shall be subject to all provisions of law, particularly Title III of Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, as well as all applicable regulations and shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration. In addition, such authority shall be exercised in cooperation with the responsible officers, officials, and employees of the General Services Administration.

The Agency shall file a copy of said contract, and any amendments thereto, with the General Services Administration as soon as practicable after the execution thereof.

This delegation of authority is effective immediately.

Unless sooner revoked, this delegation shall expire upon the termination of said contract.

LEONARD H. MARKS,
Director.

[F.R. Doc. 66-75; Filed, Jan. 4, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4981]

MARRUD, INC.

Order Suspending Trading

DECEMBER 28, 1965.

The common stock, $2 par value, of Marrud, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, and the 6 percent convertible subordinated notes due February 1, 1976, and subscription warrants to purchase common stock of Marrud, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 4:30 p.m. e.s.t. December 28, 1965 to 4:30 p.m. e.s.t. January 7, 1966.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 66-73; Filed, Jan. 4, 1966; 8:47 a.m.]

[812-1882]

MUNICIPAL INVESTMENT TRUST FUND, SECOND FLORIDA SERIES

Notice of Application for Order of Exemption

DECEMBER 29, 1965.

Notice is hereby given that Municipal Investment Trust Fund, Second Florida Series ("Applicant"), 45 Wall Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Unanimous, with all members present.

offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 under which there will be offered for sale to the public 5,000 units of undivided interest in a portfolio of municipal bonds. This registration statement has not yet become effective. Applicant is one of a series of nine similar funds named "Municipal Investment Trust Fund" and will be governed by a Trust Agreement under which Goodbody & Co., Hornblower & Weeks-Hemphill, Noyes and Bache & Co. Inc., will act as Sponsors and United States Trust Co. of New York will act as Trustee. Applicant states that the Sponsors, acting as managers for the underwriters, will deposit with the Trustee $5,000,000 principal amount of bonds and will receive from the Trustee simultaneously with such deposit registered certificates for 5,000 units. No additional units will be issued. The Trust Agreement provides that bonds may from time to time be sold under certain circumstances, or may be redeemed or may mature in accordance with their terms, and the proceeds from such dispositions will be distributed to unitholders.

Units will remain outstanding until redeemed or until the termination of the Trust, which may be terminated by 100 percent agreement of the unitholders of the Applicant, or, in the event that the value of the bonds shall fall below $2,000,000, upon direction of the Sponsors to the Trustee. In connection with the requested exemption the Sponsors have agreed to refund the sales load to purchasers of units, if within 90 days after the registration statement becomes effective, the net worth of the Trust shall be reduced to less than $100,000 or if the Trust is terminated. The Sponsors will instruct the Trustee on the date the bonds are deposited that if the Trust shall at any time have a net worth of less than $2,000,000 as a result of redemption by any of the underwriters of units constituting a part of the unsold allotments of such underwriters, the Trustee shall terminate the Trust in the manner provided in the Trust Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein. The Sponsors have agreed on behalf of the underwriters and such dealers to refund any sales load to any purchaser of units on demand and without any deduction in the event of such termination. Applicant further represents that at the present time the Sponsors maintain a market for the units of other Municipal Investment Trust Funds with which they are similarly connected, and continually offer to purchase such units at prices which exceed the redemption price for such units by amounts which depend upon general market conditions and that as of the date of the application, partly as a result of these activities, no unit of any of the previous Municipal Investment Trust Funds has ever been redeemed. It is the Sponsors' intention to maintain a market for the units of the Applicant and to continuously offer to purchase such units at prices in excess of the redemption price as set forth in the Trust Agreement, although the Sponsors are not obligated to do so.

Notice is further given that any interested person may, not later than January 17, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 66–74; Filed, Jan. 4, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 109]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 30, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31600 (Sub-No. 604 TA), filed December 27, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's representative: J. A. Roberts (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastics*, in bulk, in tank or hopper type vehicles, from Waltham, Mass., to Taunton, Mass., for 180 days. Supporting shipper: Cumberland Chemical Corp., 150 East 42d Street, New York, N.Y., 10017. Send protests to: James F. Martin, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 30 Federal Street, Boston, Mass., 02110.

No. MC 31879 (Sub-No. 16 TA), filed December 23, 1965. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, Mo., 64116. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except dangerous explosives, household goods as defined by the Commission in 17 M.C.C. 467, commodities in bulk, and livestock), between Kansas City, Mo., on the one hand, and, on the other, Topeka, Kans., and all points intermediate thereto on U.S. Highway 40, for 180 days. Restrictions: 1. No service shall be rendered in the transportation of any parcels, packages, or articles weighing in the aggregate more than 100 pounds from one consignor at any one location to one consignee at any one location on any one day. And 2. No service shall be rendered in the transportation (a) of microfilm, commercial papers, documents, and written instruments (except coins, currency, and negotiable instruments), as are used in the conduct and operation of banks and banking institutions; (b) of exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies (except motion picture film and materials and supplies used in connection with commercial and television motion pictures); and (c) of papers used in the processing of data by computing machines, punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports and documents, and office records. Supporting shippers: There are approximately 58 letters of support attached to the application, which may be examined here at the offices of the Interstate Commerce Commission, in Washington, D.C. Send

protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 63417 (Sub-No. 24 TA), filed December 27, 1965. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 315 East Webster Street, Galex, Va., 24333. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from Paducah, Ky., to points in Virginia on and West of U.S. Highway 15, and *damaged or rejected veneer*, on return, for 180 days. Supporting shipper: Central States Veneers, Inc., Paducah, Ky., 42002. Send protests to: George S. Hales, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 215 Campbell Avenue S.W., Roanoke, Va., 24011.

No. MC 115331 (Sub-No. 169 TA), filed December 23, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo., 63103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, in bulk, between points in St. Clair County, Ill., for 180 days. Supporting shipper: National Phosphate Corp., a Hooker Chemical Corp. subsidiary, Post Office Box 88, Marseilles, Ill., 61341. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 115491 (Sub-No. 87 TA), filed December 27, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Drawer 67, Auburndale, Fla., 33823. Applicant's representative: Richard A. Peterson, 301 NSEA Building, 14th and J Streets, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Parts A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa, and points in Dakota County, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shippers: Floyd Valley Packing Co., 1200 Warrington Road, Sioux City, Iowa, Iowa Beef Packers, Inc., Dakota City, Nebr., Raskin Packing Co., Inc., Sioux City, Iowa, Swift & Co., 115 West Jackson Boulevard, Chicago, Ill., 60604, and Sioux City Dressed Pork Co., Sioux City, Iowa. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla., 33130.

No. MC 120907 (Sub-No. 2 TA), filed December 23, 1965. Applicant: O. K. VAN & STORAGE, INC., Post Office Box 9691, 1010 Hawkins Way, El Paso, Tex. Applicant's Representative: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex., 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in El Paso County, Tex., restricted to shipments having a prior or subsequent movement beyond El Paso County, Tex., in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, containerization; or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif., 94802, American Ensign, Post Office Box 2270, Wilmington, Calif., 90746, Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y., 11378, Getz Bros. & Co., Inc., 640 Sacramento Street, San Francisco 11, Calif., Jet Forwarding, Inc., 1415 West Torrance Boulevard, Torrance, Calif., 90501, and Bekins Van Lines Co., 1335 South Figueroa Street, Los Angeles, Calif. Send protests to: John E. Nance, Safety Inspector, Interstate Commerce Commission, Bureau of Operations and Compliance, 109 U.S. Courthouse Building, Albuquerque, N. Mex., 87101.

No. MC 121571 (Sub-No. 1 TA), filed December 23, 1965. Applicant: O.K. VAN & STORAGE CO., OF NEW MEXICO, Post Office Box 1316, Truck Bypass at South Main, Las Cruces, N. Mex. Applicant's representative: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex., 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Dona Ana and Otero Counties, N. Mex., restricted to shipments having a prior or subsequent movement beyond Dona Ana and Otero Counties, N. Mex., in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, containerization; or unpacking, uncrating, and decontainerization of such shipments, over irregular routes, for 180 days. Supporting shippers: Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif., 94802, Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y., 11378, Jed Forwarding, Inc., 1415 West Torrance Boulevard, Torrance, Calif., 90501, American Ensign, Post Office Box 2270, Wilmington, Calif., 90746, Getz Bros. & Co., Inc., 640 Sacramento 11, Calif., Bekins Van Lines Co., 1335 South Figuero Street, Los Angeles, Calif., 90015. Send protests to: John E. Nance, Safety Inspector, Bureau of Operations and Compliance, Interstate Commerce Commission, 109 U.S. Courthouse Building, Albuquerque, N. Mex.

No. MC 124411 (Sub-No. 5 TA), filed December 27, 1965. Applicant: SULLY TRANSPORT, INC., Sully, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Mid-American Pipeline Terminal at or near Cantril, Iowa, to points in Missouri, for 180 days. Supporting shipper: Consumers Cooperative Association, Post Office Box 7305, Kansas City, Mo., 64116. Send protests to: District Supervisor Ellis L. Annett, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 127042 (Sub-No. 12 TA), filed December 23, 1965. Applicant: HAGEN, INC., 4120 Floyd, Post Office Box 6, Leeds Station, Sioux City, Iowa. Applicant's representatives: Nelson, Harding, Acklie, Leonard & Tate, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* as described in Parts A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Sioux City, Iowa, and points in Dakota County, Nebr., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shippers: Floyd Valley Packing Co., Sioux City, Iowa, Rasking Packing Co., Inc., Sioux City, Iowa, Sioux City Dressed Pork, Sioux City, Iowa, Iowa Beef Packers, Inc., Dakota City, Nebr. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 304 Post Office Building, Sioux City, Iowa, 51101.

No. MC 127800 TA, filed December 23, 1965. Applicant: DONALD J. FRENCH, doing business as, WEST COAST VAN AND STORAGE, 1026 Mason Street, Vacaville, Calif. Applicant's representative: C. R. Nickerson, 9 First Street, San Francisco, Calif., 94105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467; from or to all points and places located within the following counties of California: Contra Costa, Lake, Marin, Napa, Sacramento, San Joaquin, Solano, Sonoma, and Yolo, and between points and places in said counties on the one hand, and, on the other, points and places located within the counties of Alameda and San Francisco, Calif., for 150 days. Supporting shippers: Vacaville Chamber of Commerce, 427 Main Street, Vacaville, Calif., Continental Forwarders, Inc., Post Office Box 344, Canal Street Station, New York, N.Y., 10013, Swift Home Wrap, Inc., 105 Leondard Street, New York, N.Y., 10013, Sunpak Movers, Inc., 1621 Queen Anne Avenue North, Seattle, Wash., 98109. Send protests to: H. O. Gaston, District Supervisor, Bureau of Operations and Compliance, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif., 94102.

MOTOR CARRIERS OF PASSENGERS

No. MC 94742 (Sub-No. 30 TA), filed December 23, 1965. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. Applicant's representative: Frank Daniels, 15 Court

Square, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle, between Springvale, Maine, and Rochester, N.H., from Springvale over Maine Highway 109 to Sanford, Maine, thence over U.S. Highway 202 via East Lebanon and South Lebanon, N.H., to Rochester, and return over the same route, serving all intermediate points, for 180 days. Supported by: Nasson College, Springvale, Maine, and Down-Maine House, Inc., Springvale, Maine. Send protests to: Acting District Supervisor Edward D. Shea, Interstate Commerce Commission, Bureau of Operations and Compliance, 30 Federal Street, Boston, Mass., 02110.

No. MC 94742 (Sub-No. 31 TA), filed December 23, 1965. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in all-expense roundtrip special operations consisting of sightseeing and pleasure tours, from Lowell, Mass., to points in the United States, for 180 days. Supporting shippers: There are approximately 13 letters of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Acting District Supervisor Edward D. Shea, Interstate Commerce Commission, Bureau of Operations and Compliance, 30 Federal Street, Boston, Mass., 02110.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-85; Filed, Jan. 4, 1966; 8:48 a.m.]

[Notice 863]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 30, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include as scriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflec. the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 2359 (Sub-No. 16) (Republication), filed June 16, 1965, published FEDERAL REGISTER issue of July 9, 1965, and republished this issue. Applicant: DAMEO, INC., 346 Central Avenue, Somerville, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. By application filed June 16, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of beer and malt beverages, in containers, advertising and display supplies and materials, on flatbed trailers, in the manner and from and to the points indicated in the findings below, and empty containers and rejected, returned, and damaged shipments, on return. An Order of the Commission, Operating Rights Board No. 1, dated December 10, 1965, and served December 20, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *malt beverages*, and of *advertising and display supplies and materials*, from Baltimore, Md., Port Newark, N.J., and Albany and New York, N.Y., under a continuing contract with Peter Lusardi, Inc., of Bridgewater Township, N.J., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 111729 (Sub-No. 80) (Republication), filed May 14, 1965, published FEDERAL REGISTER issue of June 3, 1965, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. By application filed May 14, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities and between the points indicated in the findings herein except that applicant requests that the service sought be limited to shippers other than banks and banking institutions. A corrected Order of the Commission, dated November 26, 1965, and served December 21, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of *checks, business papers, records, payroll checks*, and *audit and accounting media* (except cash letters); (1) between Hartford, Conn., on the one hand, and, on the other, points in Putnam, Rockland, and Westchester Counties, N.Y.; (2) between New York, N.Y., on the one hand, and, on the other, New Haven, Conn., and Worcester, Mass.; (3) between Boston, Mass., on the one hand, and, on the other, Philadelphia, Pa.; and (4) between points in Passaic County, N.J., on the one hand, and, on the other, points in Philadelphia and Montgomery Counties, Pa. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publications.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9309. Authority sought for purchase by 20TH CENTURY TRUCKING COMPANY, 111 West 35th Street, Los Angeles, Calif., of the operating rights of HALVERSON TRANSPORTATION (CARLYLE MICHELMAN, TRUSTEE IN BANKRUPTCY), 4510 Loma Vista Avenue, Los Angeles, Calif. Applicants' attorney: Franklin L. Knox, Jr., 210 West Seventh Street, Los Angeles, Calif., 90014. Operating rights sought to be transferred: *General commodities*, except classes A and B explosives, currency, papers of extraordinary value, bulk petroleum products, livestock, live poultry, and commodities requiring refrigeration, as a *common carrier*, over irregular routes, between points in the Los Angeles, Calif., commercial zone, as defined by the Commission, in collection and delivery service, between points in the Los Angeles, Calif., commercial zone, as defined by the Commission, on the one hand, and, on the other, steamship docks and piers at Los Angeles and Long Beach Harbors, Calif., in line haul service; and under a certificate of registration, in Docket No. MC-6286 (Sub-No. 3), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate under a certificate of registration, in Docket No. MC-99972 (Sub-No. 2) in the State of California. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9304. Authority sought for purchase by J & M TRANSPORTATION CO., INC., Post Office Box 589, Americus, Ga., of a portion of the operating rights of COMMERCIAL CARRIER CORPORATION, Post Office Drawer 67, Auburndale, Fla., and for acquisition by JIMMIE

McCLINTON, also of Americus, Ga., of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Operating rights sought to be transferred: *Clay products,* as a *common carrier,* over irregular routes, from Milledgeville, Ga., to points in Wisconsin, and points in Cook, Lake, Will, Kane, McHenry, De Kalb, Kendall, and Du Page Counties, Ill.; and *damaged shipments of clay products,* from the above-specified destination points to Milledgeville, Ga. Vendee is authorized to operate as a *common carrier* in North Carolina, Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee, Missouri, Louisiana, Kansas, Ohio, Kentucky, Virginia, Illinois, Michigan, Arkansas, and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9305. Authority sought for purchase by DIRECT TRANSPORTS, INC., 1400 Kansas Avenue., Kansas City, Kans., 66105, of a portion of the operating rights of SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue., Kansas City, Kans., 66105, and for acquisition by SOUTHWEST FREIGHT LINES, INC., and, in turn by JOSEPH E. GRINPAS, also of Kansas City, Kans., of control of such rights through the purchase. Applicants' attorney: Clyde E. Herring, 640 Shoreham Building, 15th and H Streets NW., Washington, D.C., 20005. Operating rights sought to be transferred: *General commodities,* except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier,* over regular routes, between Kansas City, Mo., and St. Joseph, Mo., serving all intermediate points; and *general commodities,* except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in truckload lots, over irregular routes, between points on the routes above, on the one hand, and, on the other, points in Iowa, Illinois, Arkansas, Oklahoma, and Kansas. Vendee is authorized to operate as a *common carrier* in Missouri, Iowa, Kansas, Nebraska, Arkansas, Minnesota, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9306. Authority sought for purchase by KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind., of the operating rights of LLOYD H. BOWSER AND STELLA CAMPBELL, a partnership, doing business as BOWSER AND CAMPBELL, Petrolia Street, Knox, Pa., and for acquisition by JOHN J. KREVDA, 527 East South H Street, Gas City, Ind., JOSEPH F. KREVDA, 2806 South Hamaker Street, Marion, Ind., and MICHAEL J. KREVDA, Box 481, Clarion, Pa., of control of such rights through the purchase. Applicants' attorneys: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind., and Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich., 48226. Operating rights sought to be transferred: *Glass containers* and *empty packing cartons,* as a *contract carrier,* over irregular routes, from Knox, Marienville, Parkers Landing, and Oil City, Pa., to points in that part of Ohio north and east of U.S. Highway 250, that part of West Virginia north of U.S. Highway 40, and that part of New York west of New York Highway 16; and *empty packing cartons,* from points in the above-specified Ohio, New York, and West Virginia territory to Knox, Marienville, Parkers Landing, and Oil City, Pa. Vendee is authorized to operate as a *contract carrier* in Pennsylvania, New York, Illinois, Indiana, Michigan, Ohio, West Virginia, Wisconsin, Kentucky, Missouri, Iowa, Connecticut, Delaware, Maryland, Massachusetts, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9307. Authority sought for purchase by SALT CREEK FREIGHTWAYS, 408 Industrial Avenue, Casper, Wyo., 82602, of the operating rights and property of M. H. BRYAN AND C. W. EADS, a partnership, doing business as RIVERTON-BIG HORN FREIGHT LINES, Post Office Box 2050, Casper, Wyo., 82602, and for acquisition by W. D. UTZINGER, also of 408 Industrial Avenue, Casper, Wyo., 82602, of control of such rights and property through the purchase. Applicants' representative: William D. Utzinger, 408 Industrial Avenue, Casper, Wyo. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Casper, Wyo., and Cody, Wyo., between Cody, Wyo., and junction U.S. Highways 310 and 20, between Shoshoni, Wyo., and Lander, Wyo., serving all intermediate points and certain off-route points. Restriction: The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period expiring 5 years after February 24, 1965; and between Lovell, Wyo., and Billings, Mont., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Montana, Wyoming, Colorado, and Nebraska. Application has been filed for temporary authority under section 210 a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–86; Filed, Jan. 4, 1966; 8:48 a.m.]

[Notice 379]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 30, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 16), HELM'S EXPRESS, INC., 1011 Lincoln Highway, West Irwin, Pa.; applicant's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa., 15222, filed December 13, 1965. Carrier proposes to operate as a common carrier of *general commodities,* with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 90 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 to Worcester, Mass., thence over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to New York, N.Y., thence over U.S. Highway 22 to Harrisburg, Pa., thence over the Pennsylvania Turnpike to Pittsburgh, Pa., thence over Pennsylvania Highway 51 to the Ohio-Pennsylvania State line, thence over the Ohio Highway 14 to Cleveland, Ohio, and return over the same route.

No. MC 629 (Deviation No. 17), HELM'S EXPRESS, INC., 1011 Lincoln Highway, West Irwin, Pa.; applicant's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa., 15222, filed December 13, 1965. Carrier proposes to operate as a common carrier of *general commodities,* with certain exceptions, over a deviation route as follows: From Albany, N.Y., over Interstate Highway 90 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) from Albany, N.Y., over U.S. Highway 9 to New York, N.Y., thence over U.S. Highway 22 to Harrisburg, Pa., thence over the Pennsylvania Turnpike to Pittsburgh, Pa., thence over the Pennsylvania Highway 51 to the Ohio-Pennsylvania State line, thence over Ohio Highway 14 to Cleveland, and (2) from Albany, N.Y., over U.S. Highway 9

to Kingston, N.Y., thence over U.S. Highway 209 to Snydersville, Pa., thence over Pennsylvania Highway 12 to Wind Gap, Pa., thence over Pennsylvania Highway 512 to Bethlehem, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence over route as specified above to Cleveland, Ohio, and return over the same routes.

No. MC 1470 (Sub-No. 1) (Deviation No. 4), COLUMBUS AND CHICAGO MOTOR FREIGHT, INCORPORATED, 1053 East Fifth Avenue, Columbus, Ohio, filed December 10, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Sidney, Ohio, over Ohio Highway 29 to St. Marys, Ohio, thence over U.S. Highway 33 to Mercer, Ohio, and thence over Ohio Highway 127 to Van Wert, Ohio, (2) from Marysville, Ohio, over U.S. Highway 33 to Bellefontaine, Ohio, for the purpose of joinder only; (3) from Lima, Ohio, over Interstate Highway 75 to Beaverdam, Ohio, thence over U.S. Highway 30N to Delphos, Ohio, and (4) from junction Ohio Highway 4 and Interstate Highway 70, over Interstate Highway 70 to junction Interstate Highway 75, for purpose of joinder only, for operating convenience only. The notice indicates that the applicant is presently authorized to transport the same commodities over pertinent service routes as follow: (1) from Sidney, Ohio, over Interstate Highway 75 to Lima, Ohio, thence over U.S. Highway 30S to Delphos, Ohio, thence over U.S. Highway 30N to Van Wert, Ohio, and (2) from Lima, Ohio, over U.S. Highway 30S to Delphos, Ohio, and return over the same routes.

No. MC 3500 (Deviation No. 9) GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo., 80223; carrier's representative: Ken Wolford (same address as applicant), filed December 17, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) from Washington, D.C., over the Baltimore-Washington Expressway to Baltimore, Md.; (2) from Baltimore, Md., over Interstate Highway 95 to Philadelphia, Pa.; (3) from Philadelphia, Pa., over access streets or highways to the New Jersey Turnpike, thence over the New Jersey Turnpike to junction Interstate Highway 95, thence over Interstate Highway 95 to Newark, N.J., thence over access streets and highways to Jersey City, N.J.; (4) from Jersey City, N.J., over Interstate Highway 95 to West Haven, Conn.; (5) from West Haven, Conn., over Interstate Highway 95 to Providence, R.I.; and (6) from Providence, R.I., over Interstate Highway 95 to Boston, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over U.S. Highway 1 to junction Alternate U.S. Highway 1 (formerly portion U.S. Highway 1), near Wickford, R.I., thence over Alternate U.S. Highway 1 to junction U.S. Highway 1, near Wakefield, R.I., thence over U.S. Highway 1 to Poquonock Bridge, Conn., thence over unnumbered highway via Groton, Conn., to junction Alternate U.S. Highway 1, at or near New London, Conn., thence over Alternate U.S. Highway 1 to junction U.S. Highway 1, at or near East Lyme, Conn., thence over U.S. Highway 1 via Philadelphia, Pa., to Washington, D.C. (also from Philadelphia over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Washington, D.C., and return over the same routes).

No. MC 3560 (Deviation No. 8), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Carrier's representative: Ken Wolford (same address as applicant), filed December 13, 1965. Carrier proposes to operate as a *common carrier* by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follow: (1) from junction U.S. Highway 22 and unnumbered highway near Paxtonia, Pa., over U.S. Highway 22 to junction unnumbered highway, near Manadahill, Pa.; (2) from junction U.S. Highway 22 and unnumbered highway near Manadahill, Pa., over U.S. Highway 22 to junction unnumbered highway near Grantville, Pa.; (3) from junction U.S. Highway 22 and unnumbered highway near Grantville, Pa., over U.S. Highway 22 to junction unnumbered highway near Fredericksburg, Pa.; (4) from junction U.S. Highway 22 and unnumbered highway near Bethel, Pa., over U.S. Highway 22 to junction unnumbered highway near Strausstown, Pa.; (5) from junction U.S. Highway 22 and unnumbered highway near Walbert, Pa., over U.S. Highway 22 to Easton, Pa.; (6) from junction U.S. Highway 22 and unnumbered highway (formerly portion U.S. Highway 22) near Clinton, N.J., over U.S. Highway 22 to junction unnumbered highway approximately 1 mile east of Whitehouse, N.J.; and (7) from junction U.S. Highway 22 and New Jersey Highway 28 over U.S. Highway 22 to junction U.S. Highway 1 at Newark, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Canton, Ohio, over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway near Paxtonia, Pa.

Thence over unnumbered highway via Paxtonia, Manadahill, Grantville, East Hanover, Jonestown, and Fredericksburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Bethel, Pa., thence over unnumbered highway via Bethel and Strausstown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Walbert, Pa., thence over unnumbered highway via Allentown, Bethlehem, Buzztown, and Wilson, Pa., to Easton, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway to Clinton, N.J., thence over unnumbered highway via Annandale, Lebanon, Potterstown, and Whitehouse, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction U.S. Highway 1 near Elizabeth, N.J., and (2) from Boston, Mass., over U.S. Highway 1 to junction Alternate U.S. Highway 1 (formerly portion U.S. Highway 1), near Wickford, R.I., thence over Alternate U.S. Highway 1 to junction U.S. Highway 1, near Wakefield, R.I., thence over U.S. Highway 1 to Poquonock Bridge, Conn., thence over unnumbered highway via Groton, Conn., to junction Alternate U.S. Highway 1, at or near New London, Conn., thence over Alternate U.S. Highway 1 to junction U.S. Highway 1, at or near East Lyme, Conn., thence over U.S. Highway 1 via Philadelphia, Pa., to Washington, D.C. (also from Philadelphia over U.S. Highway 13 to junction U.S. highway 40, thence over U.S. Highway 40, to Baltimore, Md., thence over U.S. Highway 1 to Washington, D.C.) and return over the same routes.

No. MC 3598 (Deviation No. 7), WOOSTER EXPRESS, INC., Post Office Box 1469, Hartford 1, Conn., filed December 19, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from New Haven, Conn., over Interstate Highway 95 to Providence, R.I.; (2) from Providence, R.I., over Interstate Highway 95 to Boston, Mass.; and (3) from Northampton, Mass., over U.S. Highway 5 to Springfield, Mass., thence from Springfield over Interstate Highway 91 to Hartford, Conn., thence from Hartford over Interstate Highway 91 to New Haven, Conn., thence from New Haven over Interstate Highway 95 to Newark, N.J., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) from New Haven, Conn., over U.S. Highway 1 to Boston, Mass.; and (2) from Northampton, Mass., over U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to Newark, N.J., (3) from Northampton, Mass., over U.S. Highway 5 to Springfield, Mass., thence over alternate U.S. Highway 5 to Hartford, Conn., thence over Connecticut Highway 9 to Middletown, Conn., thence over Connecticut Highway 15 to New Haven, Conn., thence over U.S. Highway 1 to Newark, N.J., and (4) from Northampton, Mass., to Hartford, Conn., as specified above, thence over U.S. Highway 6 to Thomaston, Conn., thence over Connecticut Highway 8 to Stratford, Conn., and thence over U.S. Highway 1 to Newark, N.J., and return over the same routes.

No. MC 6894 (Deviation No. 13), MELVIN TRUCKING CO., Spring City,

Pa., filed December 10, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Illinois Highway 82, thence over Illinois Highway 82 to junction U.S. Highway 34, and thence over U.S. Highway 34 to Galesburg, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Peoria, Ill., over Illinois Highway 116 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction alternate U.S. Highway 66, thence over alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill.; and (2) from Peoria, over Illinois Highway 8 to junction U.S. Highway 150, thence over U.S. Highway 150 to Galesburg, Ill., and return over the same routes.

No. MC 6894 (Deviation No. 14), MELVIN TRUCKING CO., Spring City, Pa., filed December 13, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to junction East-West Tollway, thence over the East-West Tollway to Aurora, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Chicago Heights, Ill., over U.S. Highway 30 to Aurora, Ill., and (2) from Chicago, Ill., over U.S. Highway 66 to junction Alternate U.S. Highway 66 thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway, thence over unnumbered highway via Staunton, Ill., to junction Illinois Highway 4, thence over Illinois Highway 4 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction City U.S. Highway 66, thence over City U.S. Highway 66 to St. Louis, Mo., and return over the same routes.

No. MC 42487 (Deviation No. 56), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., filed December 13, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Providence, R.I., over Interstate Highway 195 to Fall River, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 138 to Fall River, Mass., thence over U.S. Highway 6 to Peekskill, N.Y. (also from junction U.S. Highway 6 and Alternate U.S. Highway 6, near Hop River, Conn., over Alternate U.S. Highway 6 to junction U.S. Highway 6 near Woodbury, Conn., and also from Taunton, Mass., over U.S. Highway 44 to Providence, R.I.), and return over the same routes.

No. MC 42487 (Deviation No. 57) CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., filed December 13, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Minneapolis, Minn., over Interstate Highway 35W to junction Interstate Highway 35 (south of Minneapolis), thence over Interstate Highway 35 to junction Interstate Highway 235 (north of Des Moines, Iowa), and thence over Interstate Highway 235 to Des Moines, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows:

(1) From Canton, Ohio, over U.S. Highway 30 to Mansfield, Ohio, thence over U.S. Highway 30N to Delphos, Ohio (also from Mansfield over U.S. Highway 30S to Delphos), thence over U.S. Highway 30 to Cedar Rapids, Iowa, thence over U.S. Highway 218 to Owatonna, Minn., thence over unnumbered Highway (formerly portion U.S. Highway 65) via Medford, Minn., to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Minnesota Highway 60 (formerly portion U.S. Highway 65) thence over Minnesota Highway 60 to Faribault, Minn., thence over Minnesota Highway 3 (formerly portion U.S. Highway 65) via Northfield, Minn., to Farmington, Minn., thence over Minnesota Highway 50 (formerly portion U.S. Highway 65) via Lakeville, Minn., to junction U.S. Highway 65, thence over U.S. Highway 65 to Minneapolis, and (2) from Davenport, Iowa, over U.S. Highway 6 to Des Moines, Iowa, thence over U.S. Highway 65 to Owatonna, Minn., thence over U.S. Highway 14 to Mankato, Minn., thence over U.S. Highway 169 to Minneapolis, Minn., and return over the same routes.

No. MC 42487 (Deviation No. 58), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., filed December 20, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highways 90 and 94 near Tomah, Wis., over Interstate Highway 90 to junction U.S. Highway 65 near Albert Lea, Minn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Youngstown, Ohio, over U.S. Highway 422 to Cleveland, Ohio, thence over U.S. Highway 20 to Green Creek, Ohio, thence over Ohio Highway 113 (formerly portion U.S. Highway 20) via Fremont, Ohio, to junction U.S. Highway 20, thence over U.S. Highway 20 to Rockford, Ill., thence over U.S. Highway 51 via Beloit, Wis., to Madison, Wis., thence over U.S. Highway 12 via Tomah, Wis., to St. Paul, Minn. (also from Tomah over U.S. Highway 16 to La Crosse, Wis., thence over U.S. Highway 61 to St. Paul), thence over U.S. Highway 12 to Minneapolis, Wis.; (2) from Akron, Ohio, over U.S. Highway 224 to junction U.S. Highway 24, thence over U.S. Highway 24 to Peoria, Ill., thence over U.S. Highway 150 to Davenport, Iowa, thence over U.S. Highway 61 to Dubuque, Iowa, thence over U.S. Highway 52 to Anoka, Minn.; (3) from Davenport, Iowa, over U.S. Highway 6 to Des Moines, Iowa, thence over U.S. Highway 65 to Owatonna, Minn., thence over U.S. Highway 14 to Mankato, Minn., thence over U.S. Highway 169 to Minneapolis, Wis.; (4) from Rochester, Minn., over U.S. Highway 14 to Owatonna, Minn., and (5) from La Crosse, Wis., over U.S. Highway 16 to Austin, Minn., and return over the same routes.

No. MC 44447 (Deviation No. 23), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio, 43212. Applicant's representative: Taylor C. Burneson, Suite 1680, 88 East Broad Street, Columbus, Ohio, 43215; filed December 15, 1965. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, over U.S. Highway 23 to junction Ohio Highway 15 near Carey, Ohio, thence over Ohio Highway 15 to junction U.S. Highway 68 near Findlay, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, Ohio, over U.S. Highway 33 to Marysville, Ohio, thence over Ohio Highway 31 to Kenton, Ohio, thence over U.S. Highway 68 to junction Ohio Highway 15 near Findlay, Ohio, and return over the same route.

No. MC 44447 (Deviation No. 24), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio, 43212; applicant's representative: Taylor C. Burneson, Suite 1680, 88 East Broad Street, Columbus, Ohio, 43215, filed December 15, 1965, Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Parkersburg, W. Va., over Interstate Highway 77 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Parkersburg, W. Va., over U.S. Highway 21 to Massillon, Ohio, thence over Ohio Highway 241 to Akron, Ohio, thence over Ohio Highway 8 to Cleveland, Ohio, and return over the same route.

No. MC 55896 (Deviation No. 5), R. W. EXPRESS, INC., 4840 Wyoming Avenue,

Dearborn 2, Mich.; applicant's representative: Frank J. Kerwin, Jr., 1800 Buhl Building, Detroit, Mich., 48226, filed December 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) from Toledo, Ohio, over U.S. Highway 20 to junction U.S. Highway 12, thence over U.S. Highway 12 to Chicago, Ill.; (2) from Detroit, Mich., over Interstate Highway 94 to junction Michigan Highway 60, thence over Michigan Highway 60 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction Interstate Highway 69 (at or near Angola, Ind.) thence over Interstate Highway 69 to Indianapolis, Ind.; (3) from Chicago, Ill., over Interstate Highway 65 to Indianapolis, Ind.; and (4) from Detroit, Mich., over Interstate Highway 94 to Chicago, Ill., and return over the same routes for operating convenience only. The notice states that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow:

(1) From Toledo, Ohio, over U.S. Highway 24 to Fort Wayne, Ind., thence over U.S. Highway 30 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill.; (2) from Detroit, Mich., over U.S. Highway 12 (now Interstate Highway 94) to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction U.S. Highway 37 at Fort Wayne, Ind., thence over U.S. Highway 37 to Indianapolis, Ind.; (3) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 31, thence over U.S. Highway 31 to Indianapolis, Ind.; and (4) from Detroit, Mich., over U.S. Highway 12 to Chicago, Ill., and return over the same routes.

No. MC 59680 (Deviation No. 41), STICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222; filed December 16, 1965. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From East Hartford, Conn., over Interstate Highway 84 to junction Interstate Highway 90, thence over Interstate Highway 90 to Boston, Mass., and (2) from East Hartford, Conn., over Interstate Highway 84 to junction U.S. Highway 20 at Sturbridge, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 to West Brookfield, Mass., thence over Massachusetts Highway 67 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass., thence over Alternate U.S. Highway 5 to Hartford, Conn., and return over the same route.

No. MC 111231 (Deviation No. 26), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., 72764; applicant's representative: B. J. Wiseman (same address as applicant), filed December 13, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Oklahoma City, Okla., over Oklahoma Highway 3 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 69 near Checotah, Okla., and thence over U.S. Highway 69 to Muskogee, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Oklahoma City, Okla., over U.S. Highway 62 to Muskogee, Okla., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 285) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, 44113, filed December 13, 1965. Carrier proposes to operate as a *common carrier* of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follow: (1) From Syracuse, N.Y., over Interstate Highway 81 and access roads to Polkville, N.Y.; (2) from Lafayette, N.Y., over U.S. Highway 20 to its interchange with Interstate Highway 81; (3) from Tully, N.Y., over New York Highway 80 to its interchange with Interstate Highway 81; (4) from Preble, N.Y., over New York Highway 281 to its interchange with Interstate Highway 81; (5) from Little York, N.Y., over New York Highway 109 to its interchange with Interstate Highway 81; (6) from junction U.S. Highway 11 and New York Highway 109 (east of Little York, N.Y.) over New York Highway 109 to its interchange with Interstate Highway 81; (7) from Homer, N.Y., over access roads to the interchange of Interstate Highway 81 (southeast of Homer, N.Y.); (8) from Cortland, N.Y., over city streets and access road to interchange of Interstate Highway 81 (in Cortland, N.Y.); and (9) from Polkville, N.Y., over New York Highway 41 to its interchange with Interstate Highway 81 and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Hallstead, Pa., over U.S. Highway 11 via Lisle, Cortland, Syracuse, Hastings, and Colosse, N.Y., to Potsdam, N.Y., thence over New York Highway 11B to Nicholville, N.Y., thence over New York Highway 195 to junction U.S. Highway 11, and thence over U.S. Highway 11 to Mooers, N.Y.; (2) from junction U.S. Highway 11 and New York Highway 281 over New York Highway 281 to junction New York Highway 13, (3) from junction U.S. Highway 11 and Lake Road, over Lake Road to junction New York Highway 281, and (4) from junction New York Highway 41 and U.S. Highway 11, over New York Highway 41 to junction New York Highway 281, and return over the same routes.

No. MC 1255 (Deviation No. 1), McGINN BUS COMPANY, INC., 99 College Street, Lynn, Mass. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C.; filed December 10, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, during the respective racing seasons only, over a deviation route as follows: (a) From junction Interstate Highway 93 and Massachusetts Highway 128, over Interstate Highway 93 to junction New Hampshire Highway 38, with the following access roads: (1) From Lynn, Mass., over Massachusetts Highway 129 to junction Massachusetts Highway 128, and thence over Massachusetts Highway 128 to junction Interstate Highway 93, and (2) from junction Interstate Highway 93 and New Hampshire Highway 38, over New Hampshire Highway 38 to Salem, N.H.; (B) From junction Interstate Highway 95 and Massachusetts Highway 128, over Interstate Highway 95 to Pawtucket, R.I., with the following access roads: From Boston, Mass., over Boston's Northeast Expressway to junction Boston's Fitzgerald Expressway, thence over Boston's Fitzgerald Expressway to junction Boston's Southeast Expressway, thence over Boston's Southeast Expressway to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Interstate Highway 95, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service as follow: (A) From Lynn, Mass., over Massachusetts Highway 129 to Reading, Mass., thence over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Salem, N.H., and (B) from Lynn, Mass., over city streets to Boston, Mass., thence over U.S. Highway 1 to Pawtucket, R.I.; and return over the same routes.

No. MC 1940 (Deviation No. 15) TRAILWAYS OF NEW ENGLAND, INC., 4000 Trailways Building, 1200 "I" Street, NW., Washington, D.C., 20005. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006, filed December 16, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of passengers *and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, over deviation routes as follows: From Hartford, Conn., over Interstate Highway 91 to New Haven, Conn., with the following access routes: (1) From Hartford over city streets and access roads to Interstate Highway 91 (within the city of Hartford); (2) From Rocky Hill, Conn., over Connecticut Highway 9 to its interchange with Interstate Highway 91; (3) From Berlin, Conn., over Connecticut Highway 72 to its interchange with Interstate Highway 91; (4) from Middletown, Conn., over U.S. Highway 6A to junction access road to Interstate Highway 91 (near boundary of East Meriden, Conn.), thence over access road to its interchange with Interstate Highway 91 (East Meriden, Conn.); (5) from Middletown, Conn., over U.S. Highway 6A to its interchange with

Interstate Highway 91 (East Meriden, Conn.); (6) from Meriden, Conn., over spur route to its interchange with Interstate Highway 91 (East Meriden, Conn.); (7) From Meriden, Conn., over U.S. Highway 6A to its interchange with Interstate Highway 91 (East Meriden, Conn.); (8) From Wallingford, Conn., over Connecticut Highway 150 to its interchange with Interstate Highway 91; and (9) from Quinnipiac, Conn., over new spur route to its interchange with Interstate Highway 91, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same commodities over pertinent service routes as follows: (1) From Windsor, Conn., over Connecticut Highway 9 to Middletown, Conn., (2) From Middletown, over Connecticut Highway 17 to New Haven, Conn., and (3) from junction Connecticut Highway 17 and U.S. Highway 5, over U.S. Highway 5 to New Haven, Conn., and return over the same routes.

No. MC 60325 (Deviation No. 1) JEFFERSON TRANSPORTATION CO., 1114 Currie Avenue, Minneapolis, Minn., 55403, filed December 13, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, newspapers, and mail* in the same vehicle with passengers, over a deviation route as follows: From Colo, Iowa over relocated U.S. Highway 30 to Ames, Iowa, thence over relocated U.S. Highway 30 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction with Interstate Highway 80, thence over combined Interstate Highways 35 and 80 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 69 at Osceola, Iowa, with the following access routes: (1) Over Iowa Highway 415 from junction Interstate Highway 35 2 miles north of Des Moines, Iowa, and (2) over Iowa Highway 60 from junction Interstate Highway 35 at the west city limits of West Des Moines, Iowa, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Minneapolis, Minn., over city streets to St. Paul, Minn., thence over Minnesota Highway 49 to junction Minnesota Highway 218, thence over Minnesota Highway 218 to Farmington, Minn., thence over U.S. Highway 65 to Albert Lea, Minn., thence over U.S. Highway 69 to Kansas City, Kans., and thence over city streets to Kansas City, Mo., and (2) from Minneapolis, Minn., to Albert Lea, Minn., as specified above, thence over U.S. Highway 65 to junction U.S. Highway 30, thence over U.S. Highway 30 to Ames, Iowa, thence over U.S. Highway 69 to Bethany, Mo., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-87; Filed, Jan. 4, 1966; 8:48 a.m.]

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